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SUCCESS IN LIFE:

A SERIES OF BOOKS,

SIX IN NUMBER, EACH COMPLETE IN ITSELF.

THE SUCCESSFUL

MERCHANT, ARTIST,
LAWYER, PHYSICIAN,
MECHANIC, FARMER.

TO CONSIST OF

BIOGRAPHY, ANECDOTES, MAXIMS, ETC.

BY MRS. L. C. TUTHILL.

CINCINNATI: HENRY W. DERBY. | NEW YORK: JAMES C. DERBY.

1854.

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SUCCESS IN LIFE.

THE LAWYER.

BY

MRS. L. C. TUTHILL.

"We fare on earth as other men have fared:
Were they successful? Let us not despair."

"In the lexicon of youth, which Fate reserves
For a bright manhood, there is no such word
As *fail*."

CINCINNATI: HENRY W. DERBY. | NEW YORK: JAMES C. DERBY.

1854.

PREFACE.

Give me the best possible example of an American Lawyer—a model for the young men of our country.

"The late Jeremiah Mason, of Boston," was the prompt reply.

"I recommend to your notice John Jay, of New York," said another.

"Bring forward Chief Justice Marshall as a glorious example!" exclaimed a fervent admirer of that great man.

"Do not forget Pinckney, of Maryland, one of the ablest lawyers this country has produced," added a fourth adviser.

"William Wirt would prove the most exciting and encouraging example to the youthful aspirant to legal distinction."

Stay, stay! my good friends, you have already made out a brilliant constellation of "bright particular stars"—may they prove guiding-stars to success.

It is but an humble task to daguerreotype from spirited paintings executed by others. Yet, a similar task is at-

tempted in this little volume. The original likenesses were drawn by great masters,* and the full-length portraits will, doubtless, be carefully studied, when after years give time and opportunity.

* Webster, Jay, Wheaton, Kennedy.

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CHAPTER FIRST.

TALENTS.

"Who shall regulate
With truth the scale of intellectual rank?"

"The most important thing in life is the choice of a profession."*—*Pascal.*

Let no boy think of becoming a lawyer, unless some one, better qualified than himself, discover his talents,—talents peculiarly adapted to that learned profession.

"A use for everything, and everything to its use."

Do not spoil a good merchant or mechanic, by moiling through life a poor lawyer.

Neither should the mistakes of partial friends mislead. "That boy is a famous disputer," says a proud father; "he can always make the wrong appear the better reason; he will make a capital lawyer."

Because he is like a snarling puppy, biting at everybody's heels! No, sir; he is not the boy for a lawyer.

"My son is as cunning as a fox," says the fond mother, whose watchful eye he evades; "he will do right well for a lawyer."

* "La chose la plus importante a la vie, c'est le choix d'un métier."

Low cunning is the mark of a small mind. Wisdom can find no room there.

"That fellow has a glib tongue of his own; he will make a great noise at the bar," says the schoolmaster, who has been deceived by the ready recitations, which have been merely an effort of memory. The mill may make as much noise when there is no grist in the hopper, as when it is full. The schoolmaster should remember,—*vox et preterea nihil.*

"But here is an incipient lawyer surely, for he is always setting the other boys by the ears!"

A pitiful mistake! It is the business of the lawyer to get people out of difficulties, not the mean, detestable effort to plunge them into quarrels which this boy's conduct exhibits. As well might you say, that the steam-engine was made on purpose to blow people up—sky-high.

Study well your own capabilities. Does your heart thrill at the burning words of eloquence? The noble deeds of great men, do they fill you with enthusiasm? Do they excite in you a fervent determination to act a glorious part in the life-drama? Are you filled with an intense desire to defend the cause of the oppressed, to restore the injured to their rights, to sustain the laws of your country?

Ambition may be a noble, generous passion, or it may be the meanest, and most selfish of all passions,—

"That sin by which the rebel angels fell."

The ambition of an unprincipled man of genius, is vastly different from that of the man who is "great through *sound sense* and *strong judgment*." These are far better qualifications for a lawyer, than that indefinite attribute—genius.

We acknowledge that there is an aptness or fitness for a particular calling or profession, which is usually manifested in boyhood;(1.) and this should, if possible, be fol-

(1.) The examples to illustrate "Success in Life" are purposely drawn from the biography of our own countrymen, yet reference to distinguished men of other countries will occasionally be made in the marginal notes.

William Pitt, son of the first Earl of Chatham, was little more than fourteen years of age when he went to reside at the University of Cambridge. At that time, says his biographer, Dr. Tomline, afterwards Bishop of Winchester, who was also his tutor, "his proficiency in the learned languages was probably greater than was ever acquired by any other person in such early youth. In Latin authors he seldom met with difficulty, and it was no uncommon thing for him to read into English six or seven pages of Thucydides which he had not previously seen; sometimes without a mistake. He had such an exactness in discriminating the sense of words, and so peculiar a penetration in seizing at once the meaning of writers, that he never seemed to learn, but only to recollect Nor was it in learning only, that Mr. Pitt was so superior to persons of his age. Though a boy in years and appearance, his manners were formed and his behavior manly. He mixed in conversation with unaffected vivacity, and delivered his sentiments with perfect ease, equally free from shyness and flippancy, and always with strict attention to propriety and decorum.

While Mr. Pitt was an under-graduate, he never omitted attending chapel, morning and evening, or dining in the public hall, except when prevented by indisposition. Nor did he pass a single evening out of the college walls. His sweetness of temper and vivacity of

lowed out. "To attempt putting another upon the boy, will usually be but labor in vain; and what is so plastered on will at best but set untowardly, and have always hanging to it the ungracefulness of constraint and affectation."(2.)

disposition endeared him to me in a degree which I should in vain attempt to express.

"At the age of seventeen he began to mix with other young men of his age and station, then resident at Cambridge, and no one was ever more admired by his acquaintance and friends. He was always the most lively person in company, abounding in playful wit and repartee, but never known to excite pain or give just ground of offence.

"Though his society was universally sought, and from the age of seventeen or eighteen he constantly passed his evenings in company, he steadily avoided every species of irregularity, and he continued to pursue his studies with *ardent zeal* and *unremitted* diligence during his whole residence in the university. In the course of this time I never knew him to spend an idle day, nor did he ever fail to attend me at the appointed hour. At this early period there was the same firmness of principle and rectitude of conduct, which marked his character in the more advanced stages of life."

(2.) It is said of Bacon, Lord Chancellor of England,—"While he was yet a child, the signs of genius, for which he was in after life distinguished, could not have escaped the notice of his intelligent parents. They must have been conscious of his extraordinary powers, and of their responsibility, that, upon the right direction of his mind, his future eminence, whether as a statesman or as a philosopher, almost wholly depended. In his twelfth year he was meditating upon the laws of the imagination. At thirteen, he was sent, fully prepared, to the University of Cambridge. In one of his essays, Bacon says, "Custom is most perfect when it beginneth in young years; this is what we call education, which is, in effect, but an early custom." And yet this same wise man says:—"The mould of a man's fortunes is in his own hands."

CHAPTER SECOND.

JEREMIAH MASON.

"Great through sound sense and strong judgment;
Great by comprehensive views of things;
Great by high and elevated purposes."—*Daniel Webster.*

JEREMIAH MASON was by birth and education a Connecticut man. That little State has been the nursery from which thousands and ten thousands have gone forth, to every part of the Union, to fill the high places of the land.

The ancestors of Jeremiah Mason, for several generations, had resided in the north-east section of that State, and one of his near relations still owns the very property purchased from the Indian sachem, Uncas. It lies in the town of Lebanon, in Windham county. There Jeremiah Mason was born, on the 27th of April, 1768. He was the sixth of nine children. His father was a man of "considerable opulence, and highly esteemed by the community." Moreover, he was a truly good man.

"His mother," says Mr. Webster, "was distinguished for a good understanding, much discretion, the purity

of her heart and affections, and the exemplary kindness and benevolence of her life. It was her great anxiety to give all her children the best education, within the means of the family, which the state of the country would allow, and she was particularly desirous that Jeremiah should be sent to college."

"In my recollection of my mother," says Mr. Mason, "she was the personification of love, kindness, and benevolence." Blessed tribute of grateful memory from such a son!

At sixteen years of age, young Mason was sent to Yale College, in his native State, and there was graduated in 1784. He received one of the honors of the class and performed a part in the Commencement exercises, which greatly raised the expectations of his friends, and gratified and animated his love for distinction.

"In the course of a long and active life," says he, "I recollect no occasion when I have experienced such elevation of feeling."

Mr. Mason was *destined for the law*, and commenced the study of that profession with Mr. Baldwin,(3.) at New Haven. From thence, after a year, he went to Vermont, and studied in the office of Stephen Rowe Bradley.

(3.) The Hon. Simeon Baldwin, of New Haven, "a gentleman who has lived to perform important public and private duties; has served his country in Congress, and on the bench of the Supreme Court of Connecticut, and still lives to hear the account of the peaceful death of his distinguished pupil."

Having completed the required course of preparatory study, Mr. Mason was admitted to the bar in Vermont and New Hampshire.

A few miles below Walpole, in New Hampshire, at Westmoreland, he commenced practice, at the age of twenty-three. But Walpole being a larger village, where he could find congenial society and more business, he wisely determined to remove to that place.

A journey to Virginia, at this period, formed an interesting variety in the life of the young lawyer. He mentions having been highly gratified with seeing President Washington, and was charmed by the urbanity and dignity of his manner. He also heard Fisher Ames make his celebrated speech upon the British Treaty.

From Walpole, Mr. Mason removed to Portsmouth, and there his practice became extensive. A few years after his removal, he was appointed Attorney-General of the State of New Hampshire. Very much confined to his profession, he never sought office or political elevation. Yet he was at length persuaded to accept the post of a Senator of the United States, and took his seat there in June, 1813. He was at once acknowledged as holding a high position among the great men who were there assembled.

But the law was his forte, and for that he determined to relinquish political eminence. He resigned his seat in the Senate in 1817. In 1832, Mr. Mason removed to Boston.

This slight sketch of Jeremiah Mason has been presented, merely as an introduction to the character given of him by Mr. Webster; than whom, surely, no one understands better, what qualifications make the complete lawyer. It should be carefully studied by all who aim at success in the profession.

"The characteristics of Mr. Mason's mind, as I think, were *real greatness*, *strength*, and *sagacity*. He was great through sound sense and sound judgment. Great by comprehensive views of things. Great by high and elevated purposes. Perhaps sometimes he was too cautious and refined, and his distinctions became too minute; but his discrimination arose from a force of intellect, and quick-seeing, far-reaching sagacity, everywhere discerning his object, and pursuing it steadily. Whether it was popular or professional, he grasped a point and held it with a firm hand. He was sarcastic sometimes, but not frequently; not frothy or petulant, but cool and vitriolic. Unfortunate for him on whom his sarcasm fell.

"His conversation was as remarkable as his efforts at the bar. It was original, fresh, and suggestive; never dull or indifferent. *He never talked when he had nothing to say.* He was particularly agreeable, edifying, and instructive to all about him.

"As a professional man, Mr. Mason's great ability lay in the department of the Common Law. In this part of

jurisprudence, he was profoundly learned. He had drunk copiously from its deepest springs; and he had studied with diligence and success the departures from the English Common Law, which had taken place in this country, either necessarily, from difference of condition, or positively, by force of our own statutes. In his addresses, both to courts and juries, he affected to despise all eloquence, and certainly disdained all ornament; but his efforts, whether addressed to one tribunal or the other, were marked by a degree of clearness, directness, and force, not easy to be equalled.

"But political eminence and professional fame fade away, and die with all things earthly. Nothing of character is really permanent, but virtue and personal worth. These remain. Whatever of excellence is wrought into the soul itself, belongs to both worlds. Real goodness does not attach itself merely to this life; it points to another world. Political or professional reputation cannot last forever; but a conscience void of offence before God and man, is an inheritance for eternity. *Religion*, therefore, is a necessary and indispensable element in any great human character. There is no living without it. Religion is the tie that connects man with his Creator, and holds him to His throne. If that tie be all sundered, all broken, he floats away, a worthless atom in the universe; its proper attractions all gone, its destiny thwarted, and its whole future nothing but dark-

ness, desolation, and death. A man with no sense of religious duty, is he whom the Scriptures describe—in such terse but terrific manner—as "living without God in the world." Such a man is out of his proper being, out of the circle of all his duties, out of the circle of all his happiness, and away, far, far away, from the purposes of his creation.

"A mind like Mr. Mason's—active, thoughtful, penetrating, sedate—could not but meditate deeply over the condition of man below, and feel its responsibilities. He could not look on this wondrous frame,

'This universal frame, thus wondrous fair,'

without feeling that it was created and upheld by an Intelligence, to which all other intelligences must be responsible. I am bound to say, that in the course of my life, I never met with an individual, in any profession or condition of life, who always spoke, and always thought, with such awful reverence of the power and presence of God. No irreverence, no lightness, even no too familiar allusion to God and His attributes, ever escaped his lips. The very notion of a Supreme Being was, with him, made up of awe and solemnity. It filled the whole of his great mind with the strongest emotions. A man like him, with all his proper sentiments and sensibilities alive in him, must, in this state of existence, have something to believe, and something to hope for; or else, as life is ad-

vancing to its close and parting, all is heart-sinking and oppression. Depend upon it, whatever may be the mind of an old man, old age is only really happy when, on feeling the enjoyments of this world pass away, it begins to lay a stronger hold on those of another.

"Mr. Mason's religious sentiments and feelings were the crowning glories of his character.

"Mr. Mason died in old age, not by a violent stroke from the hand of death; not by a sudden rupture of the ties of nature, but by a gradual wearing out of his constitution. He enjoyed through life, indeed, remarkable health. He took competent exercise, loved the open air, and avoiding all extreme theories or practice, controlled his habits of life by the rules of prudence and moderation.

"His whole life, marked by uniform greatness, wisdom, and integrity; his deep humility, his profound reverence for the Divine Majesty, his habitual preparation for death, his humble trust in his Saviour, left nothing to be desired for the consolation of his family under this great loss. He was gradually prepared for his departure. His last years were passed in calm retirement; and he died as he wished to die,—with his faculties unimpaired, without great pain, his family around his bed, and the precious promises of the Gospel before his mind."

Here is, indeed, a character suited for the young man's model. Trace its lineaments, as drawn by the

hand of a master. Ponder upon it, analyze it, for it will bear the nicest scrutiny.(4.) It will demonstrate to you that a lawyer, in spite of his peculiar temptations, may be a truly religious man, and be acknowledged as such by the whole community.

Chief Justice Shaw recommends the character of Mr. Mason, as "an example to all those young men who take upon themselves the responsibilities, and aspire to the honors of the legal profession.

"It is true," he says, "that every one cannot feel assured of the eminent natural gifts which characterized Mr. Mason's mind; but *all can imitate the patient study, the industrious investigation, the unshaken integrity, and conscientious fidelity* which prominently marked the career of this eminent Jurist."

(4.) "The truest admiration is that by which we receive other minds into our own."

CHAPTER THREE.

SELF-CONFIDENCE.

"Things out of hope are compassed oft with venturing."—*Shakspeare.*

"The grand practical question is, how we are to avoid the darkness and the desert, and take our portion in the fair and fertile. Is there a *lot* cast for us, in this matter, or is it our own doing?"

"So build we up the being that we are."—*Wordsworth.*

When Sir Walter Raleigh, in a meditative mood, scribbled the line, "I would climb, but fear to fall," he was, doubtless, "screwing his courage to the sticking-place." His royal mistress added, "Then why attempt to climb at all?" This taunt stung him to the quick; his wavering self-confidence was restored and permanently fixed.

Disappointments throw weak minds off their balance; the strong and the wise perceive that they are from without, and make use of them for their own advantage. Instead of continuing under the dark and sullen clouds of discontent, they emerge into clearer light, and go on with more cheerful alacrity. It has sometimes been remarked, that great occasions produce great men. Not so; the great men already are such; they only want occasions to call forth their talents. Give them a fair

field, and the confidence which belongs to true greatness will enable them to prove their strength.

There is an immense difference between self-confidence and self-conceit. When the young artist Corregio first saw the beautiful paintings of Raphael, and exclaimed, "I, too, am a painter," it was not arrogant self-conceit, it was the consciousness of similar power.

Admiral Nelson was exceedingly piqued, when he was a young man, because he was not mentioned in a newspaper paragraph, in which an action was briefly described, where he had been present. "Never mind," said he, "I will one day have a Gazette of my own." The consciousness of courage and naval skill prompted this proud resolution. Self-conceit is a wren in peacock's feathers; self-confidence, the soaring eagle. You may have been puffed up into overweening conceit of yourself by the flattery of others, but nothing excepting the internal conviction of power, can give you self-confidence.

"I have read in some marvelous story,
Some legend strange and vague,"

of a man who was cast upon a desert island, among a people who had lost their king. The story says not how he became a runaway; but when the people saw the stranger, they fancied he was their sovereign, and immediately placed the glittering crown upon his brow, and the golden sceptre in his hand.

"Uneasy lies the head that wears a crown."

The head of the hapless runaway must, indeed, have been uneasy, and the hand that had lately held the plough, or grasped the blacksmith's hammer, must have trembled, as it lifted the sceptre.

Many a time and oft would he have relinquished these emblems of power, and with them the greatness that had been thrust upon him. But no; he was their king, and a king he must remain.

In a similar condition, many a lawyer has found himself; too late, he has discovered that neither by nature nor by education was he fitted for the profession which he had chosen, or, still more unfortunately, that which had been forced upon him.

It is a mistake, fraught with direful consequences, that a man can only be respectable or distinguished, by belonging to one of "the learned professions."

"As for the honor of different vocations, there never was a truer sentence than the stale one of Pope—stale now, because it is so true—

'Act well your part, there all the honor lies.'

And it is the just boast of our own country, that in no civilized nation is the force of this philanthropic maxim so nobly illustrated as in ours—thanks to our glorious institutions."

"When the celebrated Gouverneur Morris left college, he lost no time in deliberating on the choice of a profes-

sion, for he seems to have *destined himself for the law*, from the time of his first reflections on the subject. His ancestors had gained renown in this career, and it was natural that his inclination should lead him in the same direction. He knew, moreover, that his success in life, his fortune and fame, his future usefulness and consideration, depended upon his own efforts.

"Naturally active, sanguine in his temperament, conscious of his powers, and not wanting in ambition, he had an *early and continued confidence in himself, which enabled him to command all the resources of his mind, and to convert them, on any given occasion, to the best account. In fact, this self-confidence was one of the remarkable features of his character through life*, and perhaps its tendency was rather to err on the side of boldness and presumption, than on that of timidity and reserve. But there are few more enviable qualities of the understanding, than the power of ascertaining its own bias and strength, and of causing these to unite and co-operate in the attainment of a difficult object. No man had this power in a greater degree than Gouverneur Morris, nor exercised it with more skill and effect. He has often been heard to say, that in his intercourse with men, he never knew the sensation of fear or inferiority, of embarrassment or awkwardness. Although this almost daring self-possession, which never forsook him, may, at times, have deprived his manners of the charm

which a becoming diffidence and gentleness of demeanor are apt to infuse, yet as a means of advancement in the world, it must be allowed, when properly regulated, to take the precedence of every other quality."

Self-depreciation is not humility, though often mistaken for it. Its source is oftener mortified pride.

Self-confidence must have its foundation in self-knowledge. A proper, a just estimate of one's abilities, alone can ensure that confidence, which is neither arrogant nor presumptuous.

It might have been supposed by some persons, who were contemporaneous with the poet Milton, that he possessed an arrogant confidence in his own genius; but time, the best test, has proved that he did not overestimate his abilities.

He says, "These abilities, wheresoever they be found, are the inspired gift of God, rarely bestowed." Yet so conscious was he of the "gift," that he deems himself prepared for a "work," "not to be raised from the heat of youth, or the vapors of wine, like that which flows at waste from the pen of some vulgar amourist, or the trencher fury of a rhyming parasite, nor to be obtained by the invocation of dame Memory and her seven daughters, but by devout prayer to that Eternal Spirit, who can enrich with all utterance and knowledge, and sends out his seraphim, with the hallowed fire of his altar, to touch and purify the lips of whom he pleases."

But, notwithstanding this consciousness of power, and this acknowledgment of the source from which it was derived, did Milton expect success, without vigorous effort on his own part? No; read, young man, for your special benefit, what he says of his mode of life. "My morning haunts are where they should be, at home; not sleeping, or concocting the surfeits of an irregular feast, but up and stirring; in winter, often ere the sound of any bell awake men to labor or devotion; in summer, as oft with the bird that first rouses, or not much tardier, to read good authors, or cause them to be read till the attention be weary, or memory have its full freight; then, with useful and generous labors, preserving the body's health and hardiness, to render lightsome, clear, and not lumpish obedience to the mind, to the cause of religion, and our country's liberty."

Sic iter ad astra.

The self-confidence which accomplishes the end designed, success, is not founded upon self-partiality, or self-exaggeration—but upon true, consistent self-knowledge, and self-respect.

CHAPTER FOURTH.

JOHN JAY.

"The law
Whereof you are a well-deserving pillar."

A NAME has oftentimes had an influence on the choice of a profession. That distinguished and excellent lawyer, John Jay, of New York, was named after the Hon. John Chambers, one of the Judges of the Supreme Court of the Province. There is nothing distinctive in the name John, but being thus called as the namesake of a great man, should excite an earnest desire to sustain the reputation which another has fairly earned. This seems to have been an incitement to John Jay. But a still more decided and effective influence than that of a name was exercised upon the opening mind of John Jay.

"Peter Jay had ten children; John was his eighth child, and was born in the city of New York, the 12th of December, 1745. The character of his parents was a theme on which their son John delighted to converse; for seldom have parents been so loved and reverenced as they were by him. Both father and mother were actuated by

sincere and fervent piety. The father possessed strong masculine sense—was a shrewd observer and admirable judge of men; resolute, persevering, and prudent; an affectionate father, a kind master, but governing all under his control with mild but *absolute sway*.

"The mother had a cultivated mind and fine imagination, and was mild and affectionate in her temper and manners; a cheerful resignation to the will of Providence, during many years of sickness and suffering, bore witness to the strength of her religious faith. Two of the children, a son and a daughter, were attacked in their infancy by small-pox, and were deprived of sight by this formidable disease. It was thought that the two little sufferers could be brought up more safely and advantageously in the country than the city. For this purpose the father purchased a farm at Rye, on the shores of Long Island Sound, whither he removed his family, while John was still in the nurse's arms.

"Notwithstanding the cares of a large family, the mother devoted much of her time to the instruction of the two blind children, and the little John. To the former she read the best authors, to the latter she taught the rudiments of English, and the Latin grammar. When John was between six and seven years old, his father, writing about him, remarked, 'Johnny is of a very grave disposition, and takes to learning exceedingly well. He will soon be fit to go to grammar school.'

"When eight years old, he was sent to a grammar school at New Rochelle, kept by the Rev. Mr. Stoope, pastor of the French Church. His character, even at this early age, seems to have been sufficiently marked to excite the favorable anticipations of his discerning father, who, in a letter to a friend, observed, 'I cannot forbear taking the freedom of hinting to you, that my Johnny gives me a very pleasing prospect. He seems to be endowed with a very good capacity—is very reserved, and quite of his brother James's disposition for books.'

"The gentleman, to whose charge he was now committed, was a native of Switzerland, and of odd habits, ignorant of the world, regardless of money, and remarkable for absence of mind; he devoted every moment of leisure to his studies, particularly to the mathematics, leaving the undisputed government of himself and his household to his wife, who was as penurious as he was careless. The parsonage, and everything about it, was suffered to decay; and the boys were treated with little food and much scolding. John contrived to prevent the snow from drifting upon his bed, by closing the broken panes of glass with pieces of wood. The contrast between such lodgings, and such treatment, and that to which he was accustomed at home, was not pleasing, but not without its uses. The plain and simple diet to which he was confined, led to that indifference to the quality of his food for which, through life, he was remarkably distin-

guished, while his constitution, no doubt, derived additional strength and vigor from the hardships to which he was exposed. His health was robust, and in after life he used to mention the pleasure he at this time enjoyed in roaming through the woods and gathering nuts, which he carried home in his stockings, which he stripped off for the purpose.

The inhabitants of the village of New Rochelle were chiefly descendants of French refugees, and French was spoken by them as well as at the parsonage, and John thus acquired, with little trouble, a language for which he afterward had so much use. He remained at this school three years, when his father took him home and placed him under the instruction of a private tutor, who completed his preparation for college.

At the early age of fourteen John Jay entered Columbia College, in New York, then called King's College. The President was the excellent Dr. Samuel Johnson.

The young freshman was now suddenly introduced to a scene entirely new to him, and was thrown among companions of various dispositions and habits, without any other guide or monitor than his own good sense and virtue. His intercourse with others made him sensible of his own deficiencies, and he commenced the work of correcting them with a resolution and perseverance not often accomplished in early youth. His artic-

ulation was indistinct, and his mode of pronouncing the letter 'L,' exposed him to ridicule. He purchased a book written by Sheridan, probably his 'Lectures on Elocution,' and shutting himself up daily in his room, studied the rules, and practiced upon them, till his object was accomplished."

He had, moreover, a habit of reading so rapidly, as to be understood with difficulty. For the purpose of correcting this fault, he read aloud to himself, making a full stop after every word, until he had acquired the complete control of his voice, and he thus became an excellent reader.

With the same energy he pursued all his studies, and especially English composition. So intent was he upon this, that when about to write an English exercise, he placed paper and pencil by his bedside, that if, while meditating upon his subject in the night, a valuable idea occurred to him, he might make some note of it, even in the dark, that might recall it in the morning. His application and correct deportment acquired for him the esteem and friendship of the President.

At the Commencement exercises, the Latin Salutatory Oration was considered the highest honor, and this was spoken, in the year 1764, by John Jay.

But, while yet in college, he decided upon a profession, and commenced reading law with one of his fellow-students. Two weeks after he was graduated, he entered

the office of Benjamin Kissam, Esq.,(5.) of New York, as a student at law.

After Mr. Jay was admitted to the bar, it sometimes happened that he was engaged on the opposite side to Mr. Kissam. On one of these occasions, the latter being embarrassed by some position taken by the other, pleasantly remarked in court, that he had brought up a bird to pick out his own eyes. "Oh no," retorted his opponent, "not to pick out, but to open your eyes."

Mr. Jay married Sarah, the youngest daughter of Governor Livingston, of New Jersey, a zealous and distinguished patriot of the Revolution.

The Revolution was an interruption to Jay's legal pursuits. He was chosen a delegate to the Continental Congress, from the city and county of New York. This Congress met at Philadelphia, as every American knows,

(5.) Lindley Murray, afterward distinguished by his various works on grammar and elocution, was at this time a student in the same office. In a short memoir of himself, published after his death, he paid the following tribute to his early companion:—"The celebrated John Jay, Esq., late Governor of New York, was my fellow-student for about two years. His talents and virtues gave at that period pleasing indications of future eminence. He was remarkable for *strong reasoning powers, comprehensive views, indefatigable application, and uncommon firmness of mind.* With these qualifications, added to a just taste in literature, and ample stores of learning and knowledge, he was happily prepared to enter on that career of public virtue by which he was honorably distinguished, and made instrumental in promoting the good of his country."

in 1774. Mr. Jay was perhaps the youngest member of the House, being then in his twenty-ninth year.

"Notwithstanding his youth, he was placed on a committee for drafting an address to the people of Great Britain, and a memorial to the people of British America. The address to the people of Great Britain was drawn up by Mr. Jay, and adopted by Congress. Mr. Jefferson, while ignorant of the author, declared it to be a production certainly of the finest pen in America."

Mr. Jay from this time devoted himself to the service of his country, in the field and in the cabinet, until the termination of the eventful struggle for liberty.

Mr. Jay was chosen Chief Justice of the State of New York, immediately after its organization as a State, an office which he found incompatible with other duties, and resigned it.

He was afterward sent as Minister Plenipotentiary to Spain; then on a mission to France; and later, as Envoy to England. Under Washington's administration, Mr. Jay officiated for a time as Secretary of State; and when the Supreme Court of the United States was organized, he was appointed Chief Justice. Subsequently, he was chosen Governor of the State of New York, and late in life, President of the American Bible Society.

It may seem that Mr. Jay might, with more propriety, be called a statesman than a lawyer; but the law was his profession, as it has been that of the many who have taken a

part in the councils of the nation, or represented it abroad. His character well deserves careful study—that noble character which gave him a title to those honors which encouraged his youth and adorned his age. It is a stimulating example for all whom Hope beckons on to success.

The character of John Jay is simple and uniform; it is perplexed by no eccentricities or contradictions. His public and his private life, his professions and his conduct, form one harmonious whole. Endowed by his Creator with a vigorous mind, a sound judgment, and a pious heart, he pursued right objects; selected his means with an almost intuitive perception of their fitness, and used them with a prudence that rarely failed to ensure success. Formed by nature with that irritability of temper which is so often at once the attendant and the bane of genius, *he acquired a degree of equanimity seldom attained by any.*

Although warm, constant, and disinterested in his friendships, he indulged no feelings of hostility toward those who attempted to injure him; and no act of his life is known that indicated a desire for revenge. He was, however, free from that weak confidence which too often makes well-disposed men the dupes of artifice and malice. Having once had good cause to doubt a man's sincerity or integrity, he never after trusted him. "Separate yourself from your enemies," was the rule by which he regu-

lated his conduct toward those who wished him ill; and in the whole course of his life he never deserted a friend nor courted an enemy.

A sense of future accountability seems to have been always present to his mind, and he esteemed the sentence his fellow-men might pass upon him, when compared with the realities of the judgment-day, as the dust of the balance.

Few could claim a more entire exemption from the sins comprehended in the lust of the eyes and the pride of life. Although for many years filling stations which necessarily brought him into constant intercourse with the rich and the fashionable, his dress, furniture, and equipage were always as plain and frugal as propriety would permit. As a republican, he thought it became him to set an example of plainness and simplicity; as a Christian, he acknowledged the obligation to be temperate in all things. But his frugality had nothing in common with parsimony. "A wise man," he said, "has money in his head, but not in his heart." His contributions to the ever-varying calls of religion and benevolence were cheerful and generous. It was a favorite saying with him, that ostentation and rapacity go together. He was liberal in all his contracts, acting on the maxim that no hard bargain is a good one. To his poor neighbors he often made loans without interest, and when payment could not be exacted except by distressing them, he for-

gave the debt, and to his bounty were they frequently indebted for food, clothing, and medical attendance.

A distinguishing trait in Mr. Jay's character was modesty; not an affectation of inferiority to others, or a distrust of his own powers, but a total absence of all endeavor to attract admiration. He assumed no importance, claimed no deference, and boasted of no merit. He had had full experience of the pleasures and the pains of public life, and his advice to his sons was, never to accept an office, except from a conviction of duty.

His patriotism, prompted and guided by the precepts of Christianity, ever refused to make the smallest sacrifices of truth or justice to the cause of his country, while for the same object it was always ready to surrender whatever else was most dear to him. Much as he loved his country, he spurned the principle implied in the sentiment,—"Our country, right or wrong;" and *on all occasions, public as well as private, inflexibly adhered to the maxim that honesty is the best policy.*

Mr. Jay's religion was fervent, but mild and unostentatious. Through life he continued a member of the Episcopal Church.

On the whole, his life exhibits a rare but interesting picture of the Christian patriot and statesman, and justifies the universal reverence for his character so eloquently described in an address delivered, soon after his death, by G. C. Verplanck, Esq.

"A halo of veneration seemed to encircle him as one belonging to another world, though lingering among us. When the tidings of his death came to us, they were received through the nation, not with sorrow or mourning, but with solemn awe, like that with which we read the mystericus passage of ancient Scripture,—'AND ENOCH WALKED WITH GOD, AND HE WAS NOT, FOR GOD TOOK HIM.'"

CHAPTER FIFTH.

UNITY OF PURPOSE.

JOHN MARSHALL.

"Reason frowns on him who wastes that reflection on a destiny independent of himself, which he ought to reserve for actions of which he is master."—*Sir Jas. McIntosh.*

"Whoever is not forced by necessity, but feels within him, growing with his growth, an inclination as true and unvarying as the magnetic needle, let him follow its pointing, trusting to it as a compass in the desert."

THE power of concentrating thought, or what the phrenologists call concentrativeness, is a primary requisite for an able lawyer. Without it, he may become an eloquent orator and a persuasive pleader, but not a convincing advocate, nor a wise counselor. In addition to this intellectual faculty, he must possess an indomitable will—a will, irresistible as the lightning which splits "the gnarled, unwedgeable oak," and constant as the attraction of gravitation.

The recklessness with which young men squander the glorious talents with which they have been endowed by the Creator is marvelous,—pitiful. Instead of a fixed,

determinate aim, toward which all efforts converge, they try their skill, now in this direction, and then in one diametrically opposite.(6.) Gathering flowers where fancy leads, and laurels which will be in "the sere and yellow leaf" before the wearers have reached the meridian of life, they gradually pass into the shade of mediocrity, and their suns set ingloriously.

Distinction, in any profession, is not the reward of such divided effort. There must be early, continuous, self-denying labor. Without such unwearied application, talents the most commanding will not give the impulse necessary to reach the aim. The sinewy arm of the long-practiced archer can only draw the bow of Ulysses, and the calm, steady eye can only send the arrow to the mark.

The unity of purpose, which ensures success, does not, by any means, reject those acquirements which are secondary or subsidiary. The old adage says, "Every part helps every other part." The most eminent lawyers have not neglected mathematical studies, nor the cultivation of taste, yet these were subordinates, and kept their place in the ranks.*

A fine example of the unity of purpose here recommended, is furnished by the late Chief Justice Marshall.

(6.) "Many a man has lost being a great man, by splitting into two middling ones."

* Note B.

There is no denying it,—Virginia and Massachusetts *grow** great men. Among Virginia's noblest sons was John Marshall. How came he to be a great man?

John's father, Thomas Marshall, was a planter; not a rich planter, but a man of moderate fortune. A limited education, even for the times in which he lived, was all that the planter received; and yet he was a man of uncommon ability, and made the best possible use of the means afforded him for the acquisition of knowledge. He was a man of strong, good sense, and commanded the reverence, and won the confidence and affection of his children.

John was the eldest of fifteen children. All these children were richly endowed with intellect; but it was a pleasure to this eldest-born to declare, when he stood among the foremost men of the country, that his father was superior to any of his gifted sons. This he was accustomed to say when he was capable of appreciating intellectual character.

John was, literally, a backwoodsman, for Fauquier county lay upon the western frontier of the State. There were no schools in the neighborhood. Colonel Marshall taught his own children, and thus gave their infant minds such a *bent* and *inclination* as suited his own taste. Happily it was a correct one, for no gnarled and twisted "twigs" seem to have been the consequence.

* To *grow* wheat, rice, &c., is a Southern provincialism.

Colonel Marshall was a devoted admirer of English classic literature. For history and poetry especially, he had a strong inclination, which John early imbibed.

The wild adventure and romantic scenery of the new settlements would tend to excite the imagination, and call out energy and activity. The Indians were their neighbors, and might at any time become foes. Interminable forests stretched their umbrageous shades to the far-west. Mountains and ravines, dark, unexplored caverns, and foaming cataracts, met the view of the young adventurer.

"Genius is a fire that is early enkindled in the soul." There are few great men who have not in early life dallied with the muses.

Amid beautiful scenery, and with the course of reading which young Marshall pursued, it is not surprising that there was an early manifestation of poetical sentiment, and an attempt to form "the sounding line."

"At the age of twelve, John Marshall had transcribed Pope's Essay on Man, and also some of his moral essays. The love of poetry, thus awakened in his warm and vigorous mind, never ceased to exert a commanding influence over it."

At the age of fourteen, John Marshall was sent from home, and placed under the care of Mr. Campbell, a respectable clergyman. After remaining a year with this gentleman, he returned to the house of his father,

who had procured a tutor to reside in his family. At the end of this year he had commenced reading Horace and Livy. "His subsequent mastery of the classics was the result of his own efforts, without any other aid than his grammar and dictionary. He never had the benefit of an education at any college, and his attainments in learning were nursed by the solitary vigils of his own genius. His father, however, continued to superintend his English education, to cherish his love of knowledge, to give a solid cast to his acquirements, and to store his mind with the most valuable materials. He was not merely a watchful parent, but an instructive and affectionate friend, and soon became the most constant, as he was at the time almost the only intelligent companion of his son. The time not devoted to his society was passed in hardy, athletic exercises, and probably to this circumstance was owing that robust constitution which remained fresh and firm in a green old age."(7)

But the American Revolution came on, and other interests were, for a time, merged in that great event.

In 1775, John Marshall was appointed first lieutenant in a company of minutemen, enrolled for actual service. Lieutenant Marshall was engaged in the battle of the Great Bridge, where the British troops, under Lord

(7.) "The body ought to be the soul's best friend, and cordial, dutiful helpmate."

Dunmore, were repulsed with great gallantry. In 1777, he was promoted to the rank of captain, and fought in the memorable battles of Brandywine, Germantown, and Monmouth. During a season of inaction, he attended the law lectures of Mr. Wythe, afterward Chancellor of the State, and a course of lectures on natural philosophy, given by Mr. Madison, President of William and Mary College, Virginia. After thus passing the winter and spring of 1779–80, in the summer he obtained a license to practice law. In October he returned to the army, and continued in service till the next February, 1781. These circumstances are dwelt upon more particularly, to show how few were the advantages of education received by John Marshall, compared with the elaborate and finished education of the present day. The best part of education, after all, is that which a man gives himself. Most young men have intellectual power enough, if constantly and effectively applied, to become useful and highly respectable in their trade or profession. The difficulty usually is, that they are too weak of purpose, too fluctuating and unsteady in their aims and efforts.(8.) The moment the leading-strings of their guardians and preceptors are loosened, they stumble and stagger under the weight of responsibility resting upon them, and too often fall by the way-side, weary with the

(8.) "Il y a cent bonne têtes pour une âme ferme."—*Baron Wessenberg.*

strife. Not so with Marshall; he braced up strong sinews and steady nerves for mental, as he did for physical encounter.

He rapidly rose to distinction at the bar. In the spring of 1782, he was elected a member of the State Legislature, and in the autumn of the same year a member of the Executive Council.

In 1783, he married Miss Ambler; a happy union, which continued for nearly fifty years.

The dangers and difficulties of those days drew talent of all kinds into one channel; and lawyers were, almost of necessity, statesmen. Although Marshall devoted time to legal study and to practice, yet the affairs of the confederacy, at this crisis, demanded his enlightened efforts and powerful support. Dangers menaced the infant republic, and Marshall was one of those wise "statesmen who have ears to hear the *distant* rustling of the wings of Time. Most people only catch sight of Time when it is flying away. When it is overhead, it darkens their view." After the adoption of the Constitution of the United States, some of the leading features of which Marshall had eloquently and powerfully advocated, he determined to relinquish public life, and to devote himself exclusively to his chosen profession. But, having been unanimously elected a representative to the State Legislature by the citizens of Richmond, he reluctantly yielded to the earnest wishes of his con-

stituents. For three successive years he continued in the Legislature, and then declined a re-election. But again he was induced, at a trying period in the history of Virginia, to become one of her legislators.

President Washington requested Marshall to accept the office of Attorney-General of the United States, but he declined it, upon the ground of its interference with his lucrative practice in Virginia. He was also solicited by Washington to accept the place of Minister to France, which he respectfully declined. He afterward accepted the appointment of Envoy to Amsterdam, in conjunction with General Pinckney and Mr. Gerry. Upon him principally devolved the duty of preparing the official dispatches. "They are models of skillful reasoning, forcible illustration, accurate detail, and urbane and dignified moderation."

On his return home, Mr. Marshall resumed his professional labors with high hopes, for he had lost few clients during his absence, and new ones were daily added to the list. He peremptorily refused to become a candidate for Congress for a while; yet, he could not turn a deaf ear to the urgent entreaty of one whose persuasive arguments were seldom resisted. General Washington invited Mr. Marshall to pass a few days at Mount Vernon, whither he went in company with Mr. Justice Washington.

Washington did not for a moment disguise the object

of his invitation. It was to urge upon Mr. Marshall and Mr. Washington the propriety of their becoming candidates for Congress. Mr. Washington yielded to the wishes of his uncle, without a struggle; but Mr. Marshall resisted, on the ground of his situation, and the necessity of attending to his private affairs.

General Washington said, that "there were crises in national affairs which made it the duty of a citizen to forego his private for the public interest. He considered the country to be then in one of these."

The conversation was long, animated, and impressive, full of the deepest interest, and the most unreserved confidence. It had its effect. Mr. Marshall became a candidate, and was elected to Congress. Before his election he was offered a seat on the bench of the Supreme Court, by President Adams. This he declined, and Mr. Bushrod Washington was appointed. In May, 1800, Mr. Marshall was nominated by the President to the office of Secretary of War. In 1801, he became Chief Justice of the United States—an office which, by many, is considered the highest in our country.

"The fame of the warrior(9.) is forever embodied in the history of his country, and is colored with the warm lights reflected back by the praise of many a distant age. The orator and the statesman live not merely in the rec-

(9.) "The greatness of the warrior is poor and low compared with the magnanimity of virtue."

ollections of their powerful eloquence, or the deep impressions made by them on the character of the generation in which they lived, but are brought forth for public approbation in political debates, in splendid volumes, in collegiate declamations, in the works of rhetoricians, in the school-books of boys, and in the elegant extracts of after life."

"The place of justice," says Lord Bacon, "is a hallowed place," and he who holds that place and there sustains the majesty of the law, is to be venerated from age to age. In the character of Chief Justice Marshall, moderation was united with firmness, sagacity with modesty, learning with experience and solid wisdom.

"What, indeed, strikes us as most remarkable in his whole character, even more than his splendid talents, is the entire consistency of his public life and principles. There is nothing in either which calls for apology or concealment. Ambition never seduced him from his principles, nor did popular clamor deter him from the strict performance of duty."

Amid the extravagances of party spirit, he has stood with a calm and steady inflexibility; neither bending to the pressure of adversity, nor bounding with the elasticity of success. He has lived as such a man should live (and yet how few deserve the commendation), by and with his principles. If we were tempted to say in one word what it was in which he chiefly excelled other men,

we should say in *wisdom;* in the union of that virtue which has ripened under the hardy discipline of principles, with that knowledge which has constantly sifted and refined its old treasures, and as constantly gathered new."

"Interesting as it is to contemplate such a man in his public character and official functions,—there are few great men to whom one is brought near, however dazzling may be their talents or actions, who are not thereby painfully diminished in the estimate of those who approach them. The mist of distance sometimes gives a looming size to their character, but more often conceals its defects. To be amiable as well as great,—to be kind, gentle, simple, modest, and social, and at the same time to possess the rarest endowments of mind, and the warmest affections, is a combination devoutly to be wished, but seldom met. Yet Chief Justice Marshall was in the domestic circle exactly what a wife, a child, a brother, and a friend would most desire."

CHAPTER SIXTH.

WILLIAM PINCKNEY.

"Il possedait, au plus haut dégré, ces facultés brillantes qui président aux arts d'imagination mais qui constituent aussi, ou qui fécondent l'esprit d'invention, dans tous les genres; cette vivacité, et cette énergie de conception qui rendent une nouvelle vie aux objets, en les exprimant, et qui les embellisent encore, en les faisant revivre. Toutefois et par une rencontre aussi heureuse que rare, il était également doué de ces qualités éminentes, qui forment les penseurs. Exercé aux méditations profondes il était capable de suivre avec incroyable persévérance les deductions les plus étendues; il savant atteindre par un regard pénétrant, les distinctions les plus délicates, et quelquefois les plus subtiles."—*De Gerando.*

One of the most brilliant luminaries of the law came near hiding his legal talents under a bushel. William Pinckney, of Annapolis, in Maryland,[10] commenced the study of medicine, but happily discovered that he had mistaken his vocation, and turned his attention to the legal profession. He seems to have lost no time in fitting himself for it, as we learn that, at the age of twenty-two, he was admitted to the bar.

Let us see with what equipments he was provided for

10 William Pinckney was born A. D. 1764.

the forensic field. He was carefully instructed in classical studies by a private teacher, to whom he afterward rendered the warmest tribute of gratitude and affection. For three years he pursued his legal studies under Mr. Justice Chase, an eminent lawyer of the Maryland bar. During this time he disciplined his mind by the cultivation of logic, so that no fallacies could be imposed upon his understanding. He became acute in his perception of truth, and dexterous in the use of arguments for its support. He had perfect command of his native language, and poured it forth in a rich, melodious voice, accompanied by an animated and graceful delivery. To all these he added a person dignified and manly, and a fine, strong physiognomy. It is not surprising, therefore, that his first efforts at the bar were hailed as omens of future distinction.

In 1796, Mr. Pinckney was induced to leave his professional pursuits and accept the appointment of Commissioner to Great Britain. He went with his family to London, where he resided for eight years.

In one of his letters written during this absence, he says,—"It is my most earnest wish to return home without loss of time, and to apply in earnest to my profession, for the purpose of securing, while my faculties are unimpaired, a competence for my helpless family. A few years of professional labor will bring me into the sere and yellow leaf of life, and if I do not begin speedily, I

shall begin too late. I am used to adverse fortune, and know how to struggle with it; my consolations cannot easily desert me—the consciousness of honorable views, and the cheering hope that Providence will yet enable me to pass my age in peace. It is not of small importance to me that I shall go back to the bar cured of every propensity that could divert me from business—stronger than when I left it—and, I trust, somewhat wiser. In regard to legal knowledge, *I have been a regular and industrious student* for the last two years, and I believe myself to be a much better lawyer than when I arrived in England."

In another letter he makes some remarks on party spirit, which it would be well for every young American to reflect upon conscientiously.

"I am prepared," says Mr. Pinckney, "on my return, to find the spirit of party as high and phrensied as the most turbulent would have it. I am even prepared to find a brutality in that spirit which in this country (England) either does not exist, or is kept down by the predominance of a better feeling. I lament that this is so; and I *wonder* that it is so—for the American people are generous and liberal, and enlightened. We are not, I hope, to have this *inordinate zeal*, this *extravagant fanaticism* entailed upon us, although really, one might almost suppose it to be a part of our political creed, that internal tranquillity, or rather the absence of domestic

discord, and a rancorous contention for power, was incompatible with the health of the state, and the liberty of the citizen. I profess to be temperate in my opinions, and shall put in my claim to freedom of conscience; but when both sides are intolerant, what hope can I have that this claim will be respected?"

Mr. Pinckney returned to the United States in 1804, and "immediately resumed with renewed ardor his professional pursuits. During his long residence in England, he had never laid aside his habits of diligent study, and had availed himself of opportunities for intercourse with the accomplished lawyers of that country. He was in the constant habit of attending the debates in the two houses of Parliament; a higher standard of literary attainments than had been thought necessary to embellish and adorn the eloquence of the bar in his own country, was held up to his observation. He employed his leisure hours in endeavoring to supply what he now found to be the defects of his early education, by extending his knowledge of English and classical literature. He devoted peculiar attention to the subject of Latin prosody and English elocution, aiming, above all, to acquire a critical knowledge of his own language—its pronunciation—its terms and significations—its synonymes; and, in short, its whole structure and vocabulary. By these means, he added to his natural facility and fluency, a copiousness and variety of elegant and appropriate diction, which

graced even his colloquial intercourse, and imparted new strength and beauty to his forensic style."[11]

Mr. Pinckney removed from Annapolis to Baltimore, after his return from England, and in 1805, he was appointed to the office of Attorney-General of the State of Maryland. But events of stirring interest to the country again called him from his favorite pursuits. He was induced by Mr. Jefferson to accept the appointment of Minister Extraordinay to Great Britain, in conjunction with Mr. Monroe, to treat with the British Cabinet, on matters which then agitated the two countries, and which finally resulted in the war of 1812–14.

With regard to the acceptance of this responsible mission, he says in a letter to a friend: "The plain matter of fact is, a great national crisis occurs, which requires, or is supposed to require, an extraordinary foreign mission. The President, whom I might be said to know only by character, offers this important charge to me. I give up my profession. I surrender all my hopes of future fortune. I forego a second time, and forever, the

11 To the young man, it is strongly recommended to keep a Common-place Book. If he designs to be a lawyer—let one portion of the book be specially devoted to law—no matter how much he enriches this department, with extracts and quotations having a direct bearing upon law, but, at the same time, let him cull freely and frequently from the wide fields of general literature. The *variety* of elegant and appropriate diction, thus copied out by his hand, will give tone and vigor to his own style, without making him an imitator.

expectation of placing my numerous and helpless family in a state of independence. I am willing to admit that I may have acted improvidently, but I am quite sure that I have not deviated from that path of honor in which, with an approving conscience, I have walked from my boyish days. My appointment is known to have been as completely unsolicited as ever appointment was from the beginning of the world."

Mr. Pinckney earnestly endeavored to remove by pacific means the obstacles thrown in the way of a neutral commerce, and strenuously maintained the honor and rights of his country. He met with many and great discouragements. During all the time of his absence he was anxious to return to his beloved home, and yet the interests of the country demanded his stay.

In a letter to Mr. Madison, who had succeeded Mr. Jefferson in the Presidency, Mr. Pinckney says, "I pray you most earnestly to recall me immediately, if you find it in any way expedient to do so. Believe me, I shall go back to my profession with a cheerful heart."

Again he writes to Mr. Madison, "I ask your leave at this time to close my mission here, because I find it impossible to remain. Age is stealing upon me, and I shall soon have lost the power of retrieving the time which has been wasted in endeavors to deserve well of my country. Every day will make it more difficult to resume the habits which I have twice improvidently abandoned. At

present, I feel no want of cheerful resolution to seek them again, as old friends which I ought never to have quitted, and no want of confidence that they will not disown me."

Finding that all remonstrance on the part of our government was useless, the President recalled Mr. Pinckney. On the 1st of February, 1811, he had an audience of leave, at Carlton House, and soon after embarked for home in the frigate Essex, and arrived in June. With his accustomed alacrity and ardor, he immediately resumed the labors of his profession.

In the following December, the President offered him the appointment of Attorney-General of the United States, which he accepted; but finding it inconvenient to reside at the seat of government, he soon resigned the office.

Mr. Pinckney was actively engaged in the defence of the country, during the war. He commanded a volunteer corps, with which he marched to Bladensburg, at the time of the attack on the city of Washington by the British, under General Ross. He conducted with great gallantry in the action at Bladensburg, and was severely wounded. After the peace, he resigned his command.

Mr. Pinckney was soon after sent as a Representative to Congress, from the city of Baltimore. It would seem that, however strong might have been his desire to pursue his profession, the calls of his country were too urgent to be resisted.

The biographer mentions that Mr. Pinckney frequently came in conflict with the great abilities of Samuel Dexter, whom he pronounces one of the ablest men this country has produced. He adds, "The manner in which Samuel Dexter combined the various talents and attainments of the common lawyer, the civilian, and the statesman, may be appealed to as a striking example of those expansive views, and liberal studies, which distinguished the more eminent advocates at the American bar."

Samuel Dexter was the son of an eminent merchant of Boston, of the same name. The Dexter Professorship of Sacred Literature, at Harvard University, was founded by the elder Dexter, who was one of the distinguished patriots of the Revolution.

"The son was graduated at that University, in 1781. After being admitted to the bar, he rose rapidly to eminence in his profession, and in the public councils of his native State."

He was elected first as a Representative, and then as a Senator to Congress, where he took a high standing as an eloquent and able debater. During the administration of the first President Adams, he was appointed Secretary of War, and of the Treasury.

"The features of the intellectual character of Mr. Dexter presented a strong contrast with those of Mr. Pinckney. He had cultivated his powers by silent medi-

tation and reflection, rather than by the study of books. Without being at all deficient in mere technical learning, he relied mainly upon his own distinguished faculties; and, in his legal investigations, sought for those original principles which lie at the foundation of every civilized code. His forensic style was marked by a strong metaphysical logic, combined with great purity and simplicity of diction; and he unfolded the most perplexed and intricate questions of public and private law with a power of analysis which seemed almost intuitive."

CHAPTER SEVENTH.

ENERGY AND PERSEVERANCE.

WILLIAM PINCKNEY.

"Energy is half a man's capacity."—*President Dwight.*

One of the most remarkable features in the character of Pinckney, was his indomitable perseverance. Notwithstanding the frequent diversion of his splendid talents into other channels, he returned to the law with fresh ardor and zeal. "His brilliant success at the bar was as much the effect of extraordinary diligence and labor, as of his genius and rare endowments of mind. His continued application to study, writing, and public speaking, a physical constitution as powerful as his intellectual, enabled him to keep up with a singular perseverance. He was never satisfied with investigating his causes, and took infinite pains in exploring their facts and circumstances, and all the technical learning connected with them. He constantly continued the practice of private declamation as a useful exercise; and was in the habit of premeditating his pleadings at the bar, and

his other public speeches, not only as to the general order or method to be observed in treating his subject, the authorities to be relied upon, and the leading topics of illustration, but frequently as to the principal passages and rhetorical embellishments. These last he sometimes wrote out beforehand, not that he was deficient in facility or fluency, but in order to preserve the command of a correct and elegant diction. All those who have heard him address a jury, or a deliberative assembly, know that he was a consummate master of the arts of extemporaneous debating; but he believed, with the most celebrated and successful orators of antiquity, that the habit of written composition is necessary to acquire and preserve a style at once correct and graceful in public speaking—without this aid it is apt to degenerate into colloquial negligence, and to become enfeebled by tedious verbosity. His law papers were drawn up with great care, and his written opinions were elaborately composed, both as to matter and style."

Mr. Pinckney engaged in the performance of his professional duties with unusual zeal, always regarding his own reputation as at stake, as well as the rights and interests of his clients, sensibly alive to everything which might affect either. He spoke with great ardor and vehemence. It must be evident that the most robust constitution would not be sufficient to sustain such intense and unintermitted labor, where every exertion was a contest for

victory, and each new success a fresh stimulus to ambition. He therefore found it necessary to vary his occupations, and to retire altogether from the bar for a season. He accepted the appointment of Minister Plenipotentiary to the Court of Russia, and of Special Minister to that of Naples.

Mr. Pinckney said to one of his friends, "There are those who wonder that I will go abroad, however honorable the service. They know not how I toil at the bar; they know not all the anxious days and sleepless nights; I must breathe awhile; the bow forever bent will break. Besides, I want to see Italy—the orators of Britain I have heard—but I want to visit that classic land, the study of whose poetry and eloquence is the charm of my life. I shall set my foot on its shores with feelings that I cannot describe, and return with new enthusiasm, I hope new advantages, to the habits of public speaking."

Mr. Pinckney sailed for Naples in the Washington, commanded by Commodore Chauncey, and landed on the classic shores of Italy on the 26th of July, 1816. He immediately applied himself to the business of his mission. Some obstacles in the way of his Russian mission presented themselves, but they were removed, and he went to St. Petersburg, where he remained for nearly two years.

A gentleman who became acquainted with Mr. Pinckney at St. Petersburg, in a letter to a friend at home, among

other things, mentions that "his (Mr. Pinckney's) great forte was his thorough and exact acquaintance with the English language, with its best models of diction, with its significations, its grammar, and its pronunciation. Upon this he prided himself exceedingly, and well he might, for you know the singular art and skill with which he displayed his mastery over his own language; his power of using it with astonishing force, elegance, and accuracy, in the simplest conversation, upon common topics, in his legal arguments, which were to instruct and influence the finest minds in the country, and in the debates of the Senate, which were to affect permanently and vitally the destinies of the nation."

After about two years' residence abroad, Mr. Pinckney asked to be recalled; and, soon after his return home, he was elected to the Senate of the United States. This was in 1820.

He continued his professional labors with the same intense application and ardent desire of success which had marked his whole career. But his busy life was hurrying to a conclusion. He died at Washington, on the 25th of February, 1822.

The character of Pinckney, as delineated by Wheaton, is one which every aspirant for legal distinction should carefully study.

To extraordinary natural endowments, Mr. Pinckney added *deep and various knowledge in his profession.*

A long course of study and practice had familiarized his mind with the science of jurisprudence. *He had felt himself originally attracted to it by invincible inclination;* it was his principal pursuit in life, and he never entirely lost sight of it in his occasional deviations into other pursuits and employments. He was devoted to the law with a true enthusiasm; and his other studies and pursuits, so far as they had a serious object, were valued chiefly as they might minister to this idol of his affections. He said, "the bar is not the place to acquire or preserve a false or fraudulent reputation for talents;" and, on that theatre, he felt conscious of possessing those powers which would command success.

When actively engaged in the practice of his profession, he toiled with almost unparalleled industry. All other pursuits, the pleasures of society, and even the repose which nature demands, were sacrificed to this engrossing object. His character, in this respect, affords a bright example for the younger members of the profession. His entire devotion to his professional pursuits was continued with unremitting perseverance to the end of his career. He continued to exert all his faculties, as if his entire reputation were staked on each particular display.

No abilities, however splendid, can command success at the bar, without intense labor and persevering application.

Mr. Pinckney enjoyed the reputation of having been rarely equaled, and, perhaps, never excelled in the power of reasoning upon legal subjects. His mind was acute and subtle, and, at the same time, comprehensive in its grasp, rapid and clear in its conceptions, and singularly felicitous in the exposition of the truths it was employed in investigating.

His style does not appear to have been originally modeled after any particular standard, or imitated from the example of any particular writer or speaker. It was formed from his peculiar manner of investigating and illustrating the subjects with which he had to deal; and was impressed with the stamp of his vigorous and comprehensive intellect. It displayed, occasionally, the copiousness, force, and idiomatic grace, and the boldness and richness of metaphor which distinguished the old writers of English prose. But in all its essential qualities, Mr. Pinckney's style was completely formed long before he had the advantage of studying any of these models of eloquence.

Whoever has listened to him on a dry and complicated question of mere technical law, when there seemed to be nothing on which the mind delighted to fasten, must recollect what a charm he diffused over the most intricate and arid discussions by the clearness and purity of his language, and the calm flow of his graceful elocution.

His favorite mode of reasoning was from the analogies

of the law; and whilst he delighted his auditory by his powers of amplification and illustration, he instructed them by tracing up the technical rules and positive institutions of jurisprudence to their original principles and historical source.

Of the extent and solidity of his legal attainments, it would be difficult to speak in adequate terms, without the appearance of exaggeration. He was profoundly versed in the ancient learning of the common law, its technical peculiarities and feudal origin. He was familiar with every branch of commercial law, and extensively acquainted with the principles of international law.

His favorite law-book was the Coke Littleton, which he had read many times. Its principal texts he had treasured up in his memory, and his arguments at the bar abounded with perpetual recurrences to the principles and analogies drawn from this rich mine of common-law learning.

He was not what is commonly called a learned man, but he excelled in those branches of human knowledge which he had cultivated as auxiliary to his principal pursuit. It has been already mentioned that he was a thorough master of the English language—its whole structure and vocabulary. He used to relate to his young friends an anecdote, which explains one of the motives which induced him at a mature age, and after he had risen to eminence, to review and extend his classical studies, and at

the same time illustrates one of the most remarkable traits of his character—that resolution and firmness of purpose with which he devoted himself to the acquisition of any branch of knowledge he deemed it desirable to possess. During his residence in England, some question of classical literature was discussed at table in a social party where he was present, and the guests in turn gave their opinions upon it. Mr. Pinckney being silent for some time, an appeal was at length made to him for his opinion, when he had the mortification to be compelled to acknowledge that he was unacquainted with the subject. In consequence of this incident, he was induced to resume his classical studies, and actually put himself under the care of a master for the purpose of reviewing and extending his acquaintance with ancient literature.

During the whole course of his active and busy life, Mr. Pinckney pursued his professional studies, and those which related to the English language, with the *strictest method* and *perseverance*. In other respects he seems to have read in the most desultory manner possible, to gratify his curiosity and to keep pace with the current literature of the day. His tenacious memory enabled him to retain the stores of miscellaneous knowledge he had thus acquired, and his mind was enriched with literary and historical anecdote.

His profession was the engrossing pursuit of his life, and beyond that his talents shone most conspicuously in

those senatorial discussions which fall within the province of the constitutional lawyer.

When some members of the Senate were accused of ambitious motives, Mr. Pinckney said,—"For myself I can truly say, that I am wholly destitute of what is commonly called Ambition. It is said that Ambition is the disease of noble minds. If it be so, mine must be a vulgar one, for I have nothing to desire in this world but professional fame, health and competence for those who are dear to me, a long list of friends among the virtuous and the good, and honor and prosperity for my country."

From a letter written from St. Petersburg by some person well acquainted with Mr. Pinckney, we learn that "his neatness and attention to the fashionable costume of the day were carried to an extreme, which exposed him, while at home, to the charge of foppery and affectation. But it should be remembered how large a portion of his life he had spent abroad, and in the highest circles of European society. Though he undoubtedly piqued himself upon being a finished and elegant gentleman, yet his manners and habits of dress were acquired in Europe, and so far from being remarkable there, they were in exact accordance with the common and established usages of men of his rank and station."*

* From a lawyer's common-place book,—"Cleanliness is to be cultivated. 1st. It is a mark of politeness. 2d. It produces love. It bears an analogy to purity of mind."

The lawyer's dress and address are his first letters of introduction. He makes his own way afterward.

It is said of Sir Matthew Hale, that in his youth "he loved fine clothes," but that he passed from the "extreme of vanity in his apparel, to that of neglecting himself too much," and was, in consequence of his shabby appearance, once taken up by a press-gang, for the King's service; "for he was a strong and well-built man, but some that knew him, coming by and giving notice who he was, the press-men let him go. This made him return to more decency in his clothes."

The editor of the Life of Sir Matthew, in connection with this anecdote, quotes from an old English writer as follows:—

"Let thy apparel be decent, and suited to the quality of thy place and purse; too much punctualitie and too much morositie are the two poles of pride."

CHAPTER EIGHTH.

WILLIAM WIRT'S CHILDHOOD.

"For the structure that we raise,
Time is with materials filled;
Our to-days and yesterdays,
Are the blocks with which we build."—*Longfellow.*

For the encouragement of young men laboring under serious disadvantages, an example will now be given of one who, in the words of his eloquent biographer,* "springing from an humble origin, was enabled to attain to high distinction among his countrymen."

William Wirt was born in the year 1772. His father kept a tavern in Bladensburg, Maryland. William was the youngest of six children, and was early left an orphan, his father dying before he was two years old, and his mother before he had reached his eighth year.

William was a lively, shrewd, pleasant-tempered, and beautiful boy, upon whom many eyes were turned in kindly regard.

* Hon. John P. Kennedy, from whose "Life of Wirt" we have, with his permission, made copious extracts.

And well it was for the orphan boy that he won this kindly regard.

In a charming autobiography, written for his own family, William Wirt has given an amusing and exceedingly interesting account of his early life.

He says, "In 1779, I was sent to Georgetown, eight miles from Bladensburg, to school. I was placed at boarding with the family of Mr. Schoolfield, a Quaker. They occupied a small house of hewn logs at the eastern end of Bridge street. Friend Schoolfield was a well-set, square-built, honest-faced, and honest-hearted Quaker; his wife one of the best of creation. A deep sadness fell upon me when I was left by the person who accompanied me to Georgetown. When I could no longer see a face that I knew, nor an object that was not strange, I remember the sense of total desertion and forlornness that seized upon my heart. Unlike anything I have felt in after years, I sobbed, as if my heart would break, for hours together, and was utterly inconsolable, notwithstanding the maternal tenderness with which good Mrs. Schoolfield tried to comfort me. Almost half a century has rolled over the incident, yet full well do I recollect with what gentle affection and touching sympathy she urged every topic that was calculated to console a child of my years. After quieting me in some measure by her caresses, she took down her Bible and read to me the story of Joseph and his brethren. It is probable I had

read it before, as such things are usually read, without understanding it; but she made me comprehend it, and in the distresses of Joseph and his father, I forgot my own. His separation from his family had brought him to great honor, and possibly mine, I thought, might be equally fortunate. I claim some sense of gratitude. *I never forgot an act of kindness*, and never received one that my heart has not impelled me to wish for some occasion to return it. So far as my experience goes, I am persuaded, too, that doing an act of kindness, and still more, *repeated* acts to the same individual, are as apt to attach the heart of the benefactor to the object, as that of the beneficiary to the person who does him the service. It was so in this instance. I went to see Mrs. Schoolfield after I became a man, and a warmer meeting has seldom taken place between mother and son."

Here, then, is the secret of the "kindly regard,"—the affectionate, grateful disposition of the youthful Wirt.

The romance of his character is exhibited, most amusingly, in the following account of his first love. The boy must have been at the time eight years old. He tells the story as follows :—

"From Georgetown I was transferred to a classical school about forty miles from Bladensburg. I was boarded with a widow lady by the name of Love, and my residence in her family forms one of the few sunny spots in the retrospect of my childhood. There were two boys of

us near the same age; Johnson Carnes was rather older and larger than I was. He was a good, diffident, rather grave boy, with better common sense than I had: but he did not sing, was rather homely, and had no mirth and frolic in him; I, on the contrary, was pert, lively, and saucy—and they used to say pretty withal—I said smart things sometimes, and sang two or three songs of humor very well."

"To crown all, I had a sweetheart, one of the prettiest cherubs that ever was born. Mr. Thomas Reeder lived on the banks of the Potomac. The house was of brick, situated on a high, airy bank, giving a beautiful view of the river, which is there four miles wide. Peggy Reeder was the only child of her parents, about my own age, rather younger, and as beautiful as it is possible for a child to be. We fell most exceedingly in love with each other. She was accustomed to make long visits to her Aunt Love; and no two lovers, however romantic, were ever more happy than we. On my part, it was a serious passion. No lover was ever more disconsolate in the absence of his mistress, nor more enraptured at meeting her. I do not know whether it is held that the affections keep pace with the intellect in their development, but I do know that there is nothing in the sentiment of happy love which I did not experience for that girl, in the course of the two years when I resided as Mrs. Love's. When I left there we were firmly

engaged to be married at the following Easter. I felt proud and happy, not in the least doubting the fulfillment of the engagement at the time appointed.

"As for school, Mr. Dent was a most excellent man, a sincere and pious Christian, and, I presume, a good teacher. In the two years, Johnson Carnes and myself got as far advanced as Cæsar's Commentaries, though we could not have been well grounded, for when I changed to another school, I was put back to Cornelius Nepos. Mr. Dent was very good-tempered. I do not remember to have received from him a harsh word, or any kind of punishment, but once."

The imaginative character of William Wirt's mind was early developed. He says, "I became sensible of the power of forming and pursuing, at pleasure, a day-dream, from which I derived great enjoyment, and to which I found myself often recurring. There was nothing in the scenery around me to awaken such vagaries. It was tame, gentle, and peaceful; there was neither incentive nor fuel for poetic dreams. Mine were the amusements of the dull morning walks from Mrs. Love's to the school-house. It was a walk of about two miles, and my companion was rather disposed to silence. I remember very distinctly the subject of one of these vagaries, from the circumstance of my having recalled, renewed, and varied it again and again, from the pleasure it afforded me. I imagined myself the owner of a

beautiful black horse, fleet as the winds. My pleasure consisted in imagining the admiration of the immense throngs on the race-field, brought there chiefly to witness the exploits of my prodigy of a horse. I could see them following and admiring him as he walked along by the course, and could hear their bursts of applause as he shot by, first one competitor and then another, in the race. The vision was vivid as life; and I felt all the glow of triumph that a real victory could have given."

Desire of distinction! How it already throbbed at the heart of the school-boy!

The next change in the early life of William Wirt was to the school of the Rev. James Hunt, the Presbyterian minister in Montgomery county. There he boarded in the family of Major Magruder, a planter. The original name was MacGregor.

"The Major showed marks of Highland extraction. He was large, robust, and somewhat corpulent, with a round, florid face, short, curling, sandy hair, and blue-gray eyes. He was strong of limb, fiery in temperament, hospitable, warm-hearted, and rough. He was a magistrate, and *ex officio* a conservator of the peace, which, however, he was as ready, on provocation, to break as to preserve. At times, he was kind and playful with the boys; but woe betide the unfortunate boy or man who became the object of his displeasure. Mrs. Magruder's contrast with her husband was striking. She was quiet,

and generally silent. I do not remember having heard her speak a dozen times in the two years that I lived in the family. But the Major's voice I remember, as the loud north wind that used to rock the house and sweep the snow-covered field. They had a large family, seven sons and four daughters. The grown sons were numerous, and loud enough to keep the house alive, being somewhat of the Osbaldistone order, except that there was not a Rashleigh among them; nor was there a Di Vernon among the girls."

"Major Magruder's household embraced not less than twenty white persons. To these there was a constant addition, by visitors to the young people of the family. It was, in fact, an active, bustling, merry, noisy family, always in motion, and often in commotion. To me it was painfully contrasted with the small, quiet, affectionate establishment of Mrs. Love. There I had been the petted child, and supreme object of attention. Here I was lost in the multitude, unnoticed, unthought of, and left to make my way, and take care of myself, as well as I could. My hair, which, under the discipline of Mrs. Love's daughters, was as clean and soft as silk, now lost its beauty. I had been spoiled by indulgence, and was really unfit to take care of myself. I did not know how to go about it. Young as I was, I had reflection enough to compare the two scenes in which I had lived, to feel my present desolation, and to sigh over the past. The

tune of Roslin Castle never recurred to my memory without filling my eyes with tears."

"There was another circumstance which embittered my residence at Major Magruder's. One of my companions was ill-tempered, and I became the peculiar object of his tyranny. There was that in my situation which would have disarmed a generous temper. I was a small, feebly-grown, delicate boy, an orphan, and a poor one, too, but these circumstances seemed rather to invite than to allay the hostility of this fierce young man. During the two years that it was my misfortune to be in the house with him, and his school-fellow, I suffered a wanton barbarity, that so degraded and cowed my spirit, that I wonder I have ever recovered it."

This was the part of Wirt's life-apprenticeship which was to try his mettle. Here he undoubtedly lost the "pert" and "saucy" ways of which he accuses himself. Let us see how he sought to relieve himself from his persecutor.

"The rest of the family were content to let me alone, and I became, at length, well content to be so. I can recall here the first experience I had of the refuge and comfort of solitude.[12] Often have I gone to bed long before I was sleepy, and long before any other member of the household, that I might enjoy, in silence and

[12] "Solitude is the nurse of genius."

to myself, the hopes which my imagination never failed to set before me. These imaginings rest on my memory with the distinctness of yesterday. I looked forward to the time when I should be a *young man, and should have my own office, of two rooms*, my own servant, and the means of receiving and entertaining my friends with elegant liberality, my horse, and fine equipments, a rich wardrobe, and these all recommended by such manners and accomplishments as should again restore me to such favor and affectionate intercourse as I had known at Mrs. Love's. I never dreamt of any other revenge on my tormenting school-fellow, than to eclipse him, and make him sue for my friendship."

These extracts from the autobiography, which, by the way, was only given by Mr. Wirt till his eleventh year, "sufficiently indicate the temperament of the boy, and give us no slight glimpses of the future aspirations of the man. They show how true an eye and how true a heart he had for the kindly influences that fell in the way of his youthful experience."

"The ingenuous and quick-sighted boy" was, doubtless, shy and diffident, and the trials of his desolate condition as an orphan, must have been greatly enhanced by his extreme sensitiveness. But where the boy felt entire confidence, he could be gay and light-hearted. Fortunately, the aunt with whom he lived, while quite young, won that confidence, and before her, he exhibited traits of

character not observed by others, particularly the alternation from "grave to gay," from "thoughtfulness to light-hearted ease." When his uncle was debating with her the question of his education, she remarked, "When I look at that dear child, he scarcely seems one of us, and I weep when I think of him."

"Such an expression," says Mr. Kennedy, "would seem to indicate some early presage of that superiority which his riper years developed."

William Wirt remained until he was fifteen years of age at the school of Mr. Hunt. Here, he laid the firm foundation for his future intellectual career. "He acquired some insight into astronomy, some taste for physics, some relish for classical study, but above all, some sharpness of appetite for the amusements afforded by the 'run of the *library*.'

"That library cheated him out of many a worse recreation, and whilst it captivated his boyish imagination with its world of treasures, it served also to implant in his mind that love of various lore, which seeks its enjoyment among the flowers that enamel the broad fields of literature."

A taste for reading formed thus early, is indeed one of the most effectual preventives of vice. The gratification of that taste is, moreover, taking the whole course of a long life into view, one of the highest enjoyments that man can have upon this earth.

"Many men who have won distinction by their intellectual accomplishments, have been able to trace their first impulses toward an honorable renown, to the opportunities afforded by a miscellaneous library, and to the tastes which it has enabled them to improve."

"There seems to have been in the case of William Wirt, quite a sufficient concentration of methodized study, in the pursuit of his own laborious profession, to justify and commend the habit of light and excursive reading in all other departments of science or literature. It may be said to have been Mr. Wirt's characteristic quality of mind, to perceive and keenly to relish the riches of that upper world of thought—humane letters. These, comprehending in their scope nearly everything that is graceful in æsthetics, everything that is beautiful in art, glowing in poetry, and eloquent in thought, present to the student a field of various observation, which can only be cultivated and enjoyed by the most apparently desultory study."

The lawyer who is thus prepared has a wide field for illustration, of immense advantage, when he comes to address a jury.

Wirt tried his pen first upon poetry.

"He read how Pope[13] had first tempted his muse at twelve years of age. He himself was now thirteen; why shouldn't he versify?"

[13] "I lisped in numbers, for the numbers came."

Sure enough, why should not so imaginative a mind produce genuine poetry?

"He tried his hand at it, and failed. He accordingly resolved that nature had not made him a versifier. There was, however, the world of prose open to him, and forthwith he set out upon that quest."

This *resolve* was a fortunate one, for he might otherwise have made only a second-rate poet, instead of a first-rate lawyer. At this very time, William Wirt was acquiring a taste for the profession in which he afterward became so distinguished.

"Mr. Hunt was in the habit of taking his pupils to the Montgomery court, in term time, to give them some insight to those mysteries which may be said to be, in this country, the ladder to preferment. The court-house was some four miles from the school. The whole troop, headed by the Domine, went on foot, and with due solemnity entered the rustic hall of justice, and took their seats in the unoccupied jury-box. Amongst the pleaders, one of the youngest was William H. Dorsey, well known to the school and neighborhood. He became their favorite, and in their eyes a hero. Boys have a great instinct for hero-worship;—and worship with them is imitation."

"Why should we not have a little court of our own?" said the schoolboys. "Agreed."

Mr. Hunt's school-room forthwith became the court-room, and here the youthful Wirt first displayed the

germs of that forensic eloquence which, in after years, charmed both judge and jury. He also drew up the constitution for the youthful moot court and a prefatory letter of apology.

CHAPTER NINTH.

WILLIAM WIRT'S BOYHOOD.

"Build to-day, then, strong and sure,
With a firm and ample base;
And ascending and secure,
Shall to-morrow find its place."—*Longfellow.*

When William Wirt was fourteen years old, he left school. His small patrimony was expended, and at this early age he was to be thrown upon his own resources for support. But his amiable deportment and his talents had won for him powerful friends.

"Mr. Peter A. Carnes was an early patron and most useful friend to the lad. This gentleman belonged to the bar of Maryland. He had the best opportunities to observe the character of the young and sprightly boy, whose qualities were so well adapted to captivate his regard. This acquaintance ripened into a strong and lasting attachment, which was subsequently manifested in the most substantial proofs of friendship to his family."

Mr. Carnes afterward married Elizabeth, the eldest sister of William Wirt, and being thus connected, the interest in his protégé increased, and he was able to render him essential service.

"Besides Mr. Carnes, there was another who now took an interest in the success of the youthful scholar, and whose connection with him had the most happy influence in shaping his career to that eminence which he afterward achieved."

Ninian Edwards, afterward Governor of Illinois, was the classmate of Wirt at Mr. Hunt's school. When young Edwards went home, after the breaking up of that school, he carried with him the constitution of the moot court which Wirt had drawn up, and the prefatory report. The father, Benjamin Edwards, it seems, was so much struck with the talent displayed in them, that he soon after wrote to Wirt, inviting him to come into his family as a tutor to his son Ninian and two of his nephews, who were preparing for college.

Mr. Edwards assured the young tutor that his library should be at his service, and this would be a great advantage in prosecuting his studies. Soon, "the pupil, now converted into a teacher, was most comfortably established at Mount Pleasant—as this seat was appropriately called—in the bosom of a hospitable, cultivated, and estimable family."

Who will presume to say that merit does not meet with reward? Here was a lad of only fifteen, promoted above his school-fellows, and making his way in the world. His first step is taken upon the ladder of eminence. He was now brought under genial influences. Mr. Edwards

was well versed in general literature, his mind was strong, direct, and trained to reflection; his demeanor challenged respect and esteem by its dignity; his character, public and private, was distinguished for lofty patriotism and inflexible virtue. His manners were affable, and particularly agreeable to the young."

"To the last day of his life, Wirt could not speak of Benjamin Edwards but with a grateful affection, which seemed to be even more than filial."

When Wirt had conquered the obstacles of poverty, and, as Mr. Kennedy forcibly remarks, had *hewn* his way to a brilliant reputation, he wrote to his benefactor as follows:—"You have taught me to love you like a parent. Well indeed may I do so, since to you, to the influence of your conversation, your precepts and your example in the most critical and decisive period of my life, I owe whatever of useful or good there may be in the bias of my mind or character. Continue, then, I implore you, to think of me as a son, and teach your children to regard me as a brother: they shall find me one indeed, if the wonder-working dispensations of Providence should ever place them in want of a brother's arm, or mind, or bosom."

The young tutor's destination was the bar, but after all, there were many drawbacks to his success. He was shy and timid. His enunciation was thick and indistinct, marked by a nervous rapidity of utterance. "Round,

clear, and dauntless speech," may well be considered the lawyer's first, second, and third recommendation to the public.

Mr. Edwards encouraged his young friend to overcome these obstacles. He told him how many distinguished men had either broken down, or feared a break-down, at their first trial as public speakers.

"Dorsey," said he, "whom you so much admire, and Pinckney, whom you will admire still more when you shall have seen him, are making their way to distinction under as great disadvantages as any you have to encounter."

Wirt passed twenty happy and useful months under the roof of Mr. Edwards. He devoted his leisure to classical study and preparation for his chosen profession. At the expiration of this period his health failed, and by the advice of friends he was induced to make a journey to Georgia on horseback. There he passed the winter with his friend and brother-in-law, Mr. Carnes, and his sister.

"The traveler set out alone. He was in his seventeenth year. The way was long, and a great deal of it lay through a dreary wilderness of pine-forest and sand. It was no light enterprise in that day, but we may well imagine that to the cheerful boy, so full of pleasant fancies and rosy hopes, the wayside brought no weariness. In the first outlook of a youth of seventeen upon the world,—mounted upon a steed, with a purse sufficiently

stored to bring him to his journey's end,—with all his worldly goods packed on a pad behind his saddle,—with a gay heart in his bosom, and a sunshiny face beneath his beaver,—what is there on the globe to make him sad?"

If our young adventurer had kept a journal of this expedition, it would, doubtless, have demonstrated the content and joy with which he pursued his lonely journey. His health and vigor were restored, and in the spring he returned to Maryland.

CHAPTER TENTH.

WILLIAM WIRT ADMITTED TO THE BAR.

"Thus, in the destitution of the wild desert, does our young Ishmael acquire for himself the highest of all possessions, that of Self-help."— *Carlyle.*

At the early age of seventeen, Wirt commenced the study of the law, with William P. Hunt, the son of his former preceptor. This was a year of vast consequence to his future progress, for he seems to have been already at the very gate of the Temple of Themis. Maryland, however, was not to be the theatre where the most conspicuous acts in the life-drama of William were to be performed.

"While with Mr. Hunt," writes Wirt, "a friend informed me of a very advantageous station for a lawyer in the State of Virginia. Everybody urged me to seize it. I removed my residence immediately to Virginia, and after residing about five months with a Mr. Swann, an acquaintance and school-mate of Tom Carnes, and a young fellow of distinguished legal abilities, I applied to the judges for a license, and obtained the signature of three of their honors."

"This is the introduction of William Wirt to Virginia, a State with whose fame he grew to be almost inseparably identified, and toward which he never ceased to look with the affection of a child to a parent.

"The court in which he was admitted to practice was that of Culpepper county, and his residence was at the court-house village."

The "equipment" of William Wirt, for the learned profession into which he had now entered, would seem as insufficient for a modern practitioner as would the bow and arrow of the savage for the United States soldier. He has told the story himself, that his whole magazine of intellectual artillery at this period, comprised no other munitions than a copy of Blackstone, two volumes of Don Quixote, and a volume of Tristram Shandy.

And how was he, thus equipped and with so little drilling, to meet the contest with well-trained, disciplined antagonists? It will be remembered that Wirt was constitutionally diffident, and that he had not yet overcome the hurried speech and "thick tongue" which annoyed him at school. Judge, then, young man, what must have been William Wirt's emotions when called "for the first time to discourse the most difficult and perplexing of all human lore in the presence of the frowning and solemn majesty of the bench," or those twelve men who represent "the country."

"The young votary, who, for the first time, stands in

this presence, surrounded by its usual and characteristic auditory ;—when he sees the compact pavement of heads, with their multitudinous eyes concentred upon one focus, and that focus himself, all eager to hear every word,"—what but "nightmare" can give an idea of the "oppressed brain and bewildered sight" of the shy and unpracticed youth, under these trying circumstances ?"

"One such scene I have witnessed," says Mr. Kennedy, "and I remember the agony with which the confused novitiate arose a second time—having been but a moment before compelled to take his seat, in the hope to collect his routed thoughts. His second essay was not more fortunate than the first. He stood silent for a brief space, and at the end was able to say,—'Gentlemen, I declare to Heaven, that if I had an enemy, upon whose head I would invoke the most cruel torture, I could wish him no other fate than to stand where I stand now.' Curiously enough, the sympathy which the appeal brought him, seemed almost instantly to give him strength. A short pause was followed by another effort, which was completely, and even triumphantly, successful."

William Wirt's first appearance at the bar has been described in a memoir written by his friend, Mr. Cruse.

"With these advantages,"—a rich and melodious voice when undisturbed by timidity, a pleasing person and prepossessing manners,—"and defects"—an indistinct enunciation, and extreme bashfulness,—"he was to begin the

competitions of the bar in a part of the country where he was quite unknown, where much talent had preoccupied the ground. There is no part of the world where, more than in Virginia, these embarrassments would be lessened to a new adventurer, as there is nowhere a more courteous race of gentlemen. There was, however, another embarrassment—*our lawyer had no cause.* But he encountered a young friend much in the same circumstances, who had a single case, which he proposed so share with Wirt, as the means of making a joint *début*. With this small stock in trade, they went to attend the first County Court."

Their case was one of joint assault and battery. The motion was opened "by Wirt's friend, with all the alarm of a first essay. The bench was then, in Virginia County Courts, composed of the ordinary justices of the peace; and the elder members of the bar, by a usage, the more necessary from the constitution of the tribunal, frequently interposed as *amici curiæ*, or informers of the conscience of the court. It appears that on the case being opened, one of these customary advisers interposed. The ire of our beginner (Wirt) was kindled by this reception of his friend, and by this voluntary interference with their motion; and when he came to reply, he forgot the natural alarms of the occasion, and maintained his point with recollection and firmness. This awakened the generosity of an elder member of the bar, a person

of consideration in the neighborhood, and a good lawyer. He stepped in as an auxiliary, remarking that he also was *amicus curiæ*, and in this capacity would state his conviction of the propriety of the motion, and that the court was not at liberty to disregard it; adding, that its having come from a new quarter, gave it but a stronger claim on the candor and urbanity of a Virginian bar. The two friends carried their point in triumph."

Not the most sanguine friend of Wirt had prophesied so successful a termination to his first effort.

The ordeal was past,—the ice was broken,—and the new barrister felt that he might thenceforth walk into the courts unquestioned.

There had been a want of system in Wirt's course of preparation, which must have increased his natural diffidence of himself. He must, too, have been conscious of ignorance on many points connected with his profession; and his extreme youth was not calculated to inspire his clients with unlimited confidence. Yet, in spite of this formidable array of unpropitious circumstances, "his practice at the bar of Culpepper increased, and during the two years which he remained in that part of the country, he secured the esteem and regard of influential friends."

CHAPTER ELEVENTH.

WILLIAM WIRT'S LEGAL PROGRESS.

"Shall he who soars, inspired by loftier views,
Life's little cares and little pains refuse?"

"Let your heart be tender, but your breast strong, and struggle and hope at the same time."—*Jean Paul.*

In the neighborhood of Charlotteville, at Pen Park, resided Doctor George Gilmer. This place was in the immediate neighborhood of Mr. Jefferson, and within a day's ride of Mr. Monroe and Mr. Madison. The delightful residence of Dr. Gilmer afforded, among other great attractions, the best society of the time—choice books were found in the library, instructive and agreeable conversation enlivened the fireside. But the richly-gifted daughter of Dr. Gilmer was the crowning attraction of Pen Park. Mildred Gilmer was "intellectual, kind, cheerful, and noted for her good sense. The imaginative and susceptible young barrister found a fairy-land in this romantic spot, and a spell in the eye and tongue of the maiden, which charmed too wisely to be broken. The father's regard for him opened the way to a closer alliance, and it was not long before he took his place in the family as a cherished son-in-law."

Wirt was now in his twenty-fifth year. His practice at the bar was increasing, and his reputation widely extending. The stores of English literature—Hooker, Boyle, Locke, Barrow, South, Bacon, and Milton—now delighted and enriched his mind.

Mr. Cruse, who knew William Wirt well at that time, says, "He was highly engaging and prepossessing. His figure was strikingly elegant and commanding, with a face of the first order of masculine beauty, animated, and expressing high intellect. His manners took the tone of his heart; they were frank, open, and cordial, and his conversation, to which his reading and early pursuits had given a classic tinge, was very polished, gay, and witty. Altogether he was a most fascinating companion, and to those of his own age, irresistibly and universally winning."

The temptations which surrounded Wirt at this time were fearful. "An unbounded hospitality, amongst the gentlemen of the country, opened every door to the indulgence of convivial habits."

It is deeply to be lamented that these temptations were sometimes too strong for the virtue of William Wirt, and that he yielded occasionally in such a way as to occasion deep anxiety to his friends, and future remorse to himself. Willingly would we have drawn a thick veil over the faults that thus dimmed the brilliancy of the young barrister's character, but truth

obliges the biographer to confess that there were some aberrations from the path of virtuous sobriety, which William Wirt deeply, sadly regretted in after years.

CHAPTER TWELFTH.

A PROPHECY.

"Once, as he (Sir Matthew Hale) was buying some cloth for a new suit, the draper, with whom he differed about the price, told him he should have it for nothing, if he would promise him a hundred pounds when he came to be Lord Chief Justice of England. To which he answered, that 'he could not, with a good conscience, wear any man's cloth unless he paid for it.' So he satisfied the draper, and carried away the cloth. Yet the draper lived to see him advanced to that same dignity."—*Bishop Burnet.*

One of those fortunate prophecies, which surprise by their realization, is mentioned in connection with this period of Wirt's life, as an incident worth relating.

James Barbour, Dabney Carr, and Wirt were on their customary journey to Fluvanna, the adjoining county to Albermarle, to attend the court there,—"the State of Flu," as that county was called in their jocular terms. Wirt was noted for making clever speeches, as they rode together. Sometimes he rode ahead of his companions, and, waiting for them by the road-side, welcomed them, in an oration of mock gravity, to the confines of "the State of Flu," representing himself to be one of its dignitaries, sent there to receive the distinguished persons, into whom he had transformed the young attorneys of the circuit. These exhibitions, and others of the same kind, are said to have afforded many a laugh to the actors.

The three friends dined and passed the night at Carr's Brook, in Albemarle. During the visit, Barbour entertained the company with a discourse upon the merits of himself and his companions, in the course of which he undertook to point out their respective destinations in after life.

"You, Dabney," said he, "have indulged a vision of judicial eminence. You shall be gratified, and shall hold a seat on the bench of the Court of Appeals of Virginia."

"Your fortune, William," he continued, addressing himself to Wirt, "shall conduct you to the Attorney-Generalship of the United States, where you shall have harder work to do than making bombastic speeches in the woods of Albemarle. As for myself, I shall be content to take my seat in the Senate of the United States."

This jocular prophecy has become notable in consequence of its exact fulfillment, in respect to each of the parties.

These were golden days to William Wirt. He went to Albemarle poor, and without powerful friends. He had very little experience in the business of life, and no great store of useful knowledge. Moreover, he had not entered into the lists with powerful adversaries to prove his strength, and was not very sanguine as to his final success.

Here he found himself surrounded with warm friends capable of appreciating his merits, and able to aid him

with judicious instruction and wise counsel. But dark clouds came over the cheerful path that Wirt was treading with a joyous heart. His father-in-law, Dr. Gilmer, —that invaluable instructor, guide, and friend,—was removed by death. In the fifth year of his married life a still heavier blow was inflicted in the loss of his wife.

This, if not the first, was "the most painful lesson of his life upon the uncertainty of human happiness, and the duty of establishing hopes upon a surer foundation than the treasures of earth."

Adversity is not unfrequently the most healthful ingredient in the cup of human experience, and the best tonic to brace the mind for those encounters in which virtue is proved and renown achieved.

In the early letters of Wirt there are occasional indications of that reverence for religious subjects which formed so prominent a characteristic of his later life. No occasion of hilarity, no youthful indiscretion, seems ever to have betrayed him into the profanation of subjects esteemed sacred, or to the practice of the scoffs and jests which sometimes disgrace thoughtless youth, or unthinking age.

The death of his wife deepened the religious sentiment, and led him to desire more earnestly the solace of Christian faith, and of that hope which is as "an anchor to the soul, sure and steadfast."

The delightful residence of Pen Park had become full

of sad associations to the sensitive heart of Wirt; he left the beloved spot, and established his residence in Richmond. So intense was his melancholy, that for a time he suspended his legal practice. His friends, however, persuaded him to resume some occupation of mind, and through their influence he was appointed Clerk of the House of Delegates. This office was one of sufficient consideration to be regarded by a young man as an advancement in the career of life. It was, besides, not so engrossing but that he might pursue his profession whilst he held it.

This appointment was so far serviceable to him that it brought him into personal acquaintance with some of the most distinguished men of the day. He met with full approbation in his new office, and was re-elected in the two succeeding years. The young clerk became a great favorite with all.

This portion of his life, Wirt was accustomed to consider, on a review of it, one of great temptation. He was, however, frequently led to reflect upon the necessity of a steady aim, if he would arrive at eminence in his profession.

It has already been remarked that the elocution of Wirt in the early period of his professional career was indistinct, and his manner embarrassed. There was hesitation at one moment, the too rapid flow of utterance at another, and frequent stammering.

Wirt, in speaking of these difficulties to a friend, said, "My pronunciation and gesture at this time were terribly vehement. I used, sometimes, to find myself literally stopped by too great rapidity of utterance; and if any poor mortal was ever forced to struggle against a difficulty in that matter, it was I; but my stammering became at last a martyr to *perseverance*, and except when I get some of my youthful fires lighted, I can manage to be pretty intelligible now."

It will be very encouraging to those who may be troubled with similar difficulties of enunciation to know, that Wirt entirely overcame them by careful attention and judicious practice.

CHAPTER THIRTEENTH.

MODESTY AND EMULATION.

"There are great men enough to excite us to aim at true greatness."

At the close of the third session of the Legislature, for which Mr. Wirt had officiated as clerk, he was chosen, *unanimously*, one of the Chancellors of the State of Virginia. This was a high honor for a man only twenty-nine years of age, and shows the estimation in which he was already held by his adopted State.

"It had not entered into his imaginings to expect such a mark of favor from the Legislature. The same diffidence in himself, which forbade him to solicit such a distinction, now wrought in him some perturbation of spirit in the accepting of it. It is not always the quality of true genius to distrust itself, for there are instances of men of the brightest parts protruding themselves upon the public, with that eager self-commendation which we are accustomed to call vanity in weaker minds; but this attribute of diffidence is so generally the accompaniment of youthful merit, that we scarcely err when we reckon

upon it as one of the signs by which we may prophesy future success."

This modesty is, most assuredly, quite pleasing in a young man, and gains the good-will and the assistance of his elders, who have already won their way to eminence.

The historian, Prescott, says, "If we are to point out a moral as the key of the fiction of Don Quixote, we may pronounce it to be, the necessity of proportioning our undertakings to our capacities." Aye, there's the rub! How is a young man to know his own capacities? "Thrust out the invisible fruit-buds of your soul, and as a man, you will profit by the ripened fruit," says Jean Paul.

When Mr. Wirt went to consult Mr. Monroe about accepting his appointment, and expressed doubts and fears as to his suitableness, either in age or acquirements, for the post, Mr. Monroe replied, "that the Legislature, he doubted not, knew very well what it was doing, and that it was not probable Mr. Wirt would disappoint either it or the suitors of the court."

The duties of his new station required that Mr. Wirt should reside in Williamsburg, and it seems he was quite willing to remove to that place. He writes on the occasion to a friend, as follows:—

"I wished to leave Richmond, on many accounts. I dropped into a circle, dear to me for the amiable and brilliant traits which belonged to it, but in which I had

found, that during several months I was dissipating my health, my time, my money, and my reputation. This conviction dwelt so strongly, so incessantly, upon my mind, that all my cheerfulness forsook me, and I awoke many a morning with the feelings of a madman. I had resolved to leave Richmond, and was meditating only a decent pretext to cover my retreat. In this perplexity the appointment descended upon me, unsolicited, unthought of, with the benevolent grace of a guardian angel. If I do not fill the office with justice, at least, to my country, it shall not be for want of unremitting effort on my part.

"Your friend,

"William Wirt."

"It was not long after the period to which our narrative has now arrived, that Elizabeth, the second daughter of Colonel Gamble, of Richmond, became the wife of William Wirt. Of all the fortunate incidents in the life of Wirt," continues his biographer,* "his marriage with this lady may be accounted the most auspicious. During the long term of their wedlock, distinguished for its happy influence on the fortunes of both, her admirable virtues, in the character of wife and mother, her tender affection and watchful solicitude in everything that interested his domestic regard, and in all that concerned his public repute, commanded from him a devotion which,

* Hon. John P. Kennedy.

to the last moment of his life, glowed with an ardor that almost might be called romantic."

Mr. Wirt found the Chancellorship an impediment to his progress in legal studies; besides, the salary was too small for the support of a family. The duties of the office demanded nearly all his time, and his purpose to become eminent in his profession would thus be defeated. Accordingly, six or seven months after his marriage, he relinquished the honor which had been conferred upon him, and devoted himself entirely to the practice of the law.

Upon this subject he thus writes to his friend, Dabney Carr:—

"This honor of being a Chancellor is a very empty thing, stomachically speaking; that is, although a man may be full of honor, his stomach may be empty; or, in other words, honor will not go to market and buy a peck of potatoes. On fifteen hundred dollars a year I can live; but if death comes, how will my wife and family live? I would go to the bar and bend all the powers of my soul and body to the profession, for fifteen years. In the course of my business, thus it would be my study so to unite my dignity with my interest as, in my old age, to be able to lead my sons (if I am blessed with sons) upon the theatre of life, so as to pre-engage for them the respect and confidence of the world; that they might never blush at the mention of their father's name, unless it

were a blush of reflected honor and virtuous emulation."

At this time Mr. Wirt thought seriously of a removal to Kentucky. On this topic he again writes to his friend Dabney Carr:—

"The separation from many who are dear to me will be painful. It is a pain which I seem to have been destined to suffer more frequently than almost anybody else equally fond of friends. From the time I first left my native roof, (at the age of seven,) I lived nowhere, except merely long enough to let my affections take a firm root, when either want or calamity have torn me up, and wafted me into some strange and distant soil. Eight or ten times I have experienced this fate; and though a separation from those whom I love and who love me, however often repeated, would still be painful, I derive comfort from the thought that I have never yet been thrown upon a soil too cold or barren for friendship and love.

"You ask, why quit the State which has adopted, which has fostered me, which has raised me to its honors? It is the partiality of your friendship which puts this question. I am sure it is very immaterial to Virginia where I reside.

"For the first time in my life, I look forward with a thoughtful mind and a heart aching with uncertainty, to the years which lie before me. I cannot abide the reflection that the time shall ever come when my conscience

shall reproach me with having neglected the interests and happiness of my family;—with having involved, by my want of energy and enterprise, a lovely and innocent wife, with a group of tender and helpless children, in want and misery.

"But Hope, like an angel of peace, whispers to my heart that this shall not be. She does, indeed, present some most brilliant and ravishing scenes to my waking fancy. Wealth, fame, respect, the love of my fellow-citizens, she designs with the boldness and grandeur of an Angelo; while, with all the softness and sweetness of a Titian's pencil, she draws my wife and a circle of beauteous cherubs, happy as innocence, and peace, and plenty can make them."

The project of the emigration to Kentucky was abandoned, and Mr. Wirt determined to take up his abode in Norfolk.

Again he writes to his friend Carr as follows:—

"Well, sir, you have heard that I have disrobed myself of the Chancellor's furs, and I feel much the cooler and lighter for it. Not but there was some awkwardness in coming down to conflict with men, to whom, a few days before, my dictum was the law. The pride was a false one, and I revenged myself on it. I feel little triumph in being thus able to get out of myself, to survey, from an intellectual distance, the workings of my own heart, to discern and to chastise its errors."

The man who can thus make an impartial and candid friend of himself, has gained a great point in the reformation and perfection of his own character.[19].

19. "Phocian the Athenian, a man of great severity, and no ways flexible to the will of the people, one day when he spoke to the people was applauded; whereupon he turned to one of his friends and said, "What have I done amiss?"—*Lord Bacon.*

CHAPTER FOURTEENTH.

ADVANCEMENT.

"Half the failures in life arise from pulling in one's horse as he is leaping."

Mr. Wirt, very soon after his removal to Norfolk, was in a full practice at the bar, and was rapidly rising to eminence. In a letter to one of his earliest and best friends, William Pope, dated August 6th, 1803, he says :—

"I am already engaged in very productive business in five courts. I am very sanguine that, with the blessing of Providence, I shall be able to retire from business in ten or fifteen years, with such a fortune as will place my family at least above want. * * * *

"And how do you prosper, my good friend? Does fortune flow in upon you in a golden deluge? I hope it does. Good men, only, deserve to be rich, because they, only, are disposed to employ their wealth for the good of the world. But things in general take a different turn, and none grow rich but the selfish and the sordid. Our friend B——, however, is an illustrious exception to this remark. A more feeling, a more benevolent, a more philanthropic heart, never palpitated in the bosom of a man."

Within a few weeks after the date of the foregoing letter, the eldest child of Mr. Wirt, Laura Henrietta, was born.

New and holy resolutions for his future life were now made by the grateful father. He writes to his beloved companion,—"I am convinced, thoroughly and permanently convinced, that the very highest earthly success, the crowning of every wish of the heart, would still leave even the earthly happiness of man incomplete. The soul has more enlarged demands, which nothing but a communion with Heaven can satisfy. The soul requires a broader and more solemn basis, a stronger anchor, a safer port in which to moor her happiness, than can be found on the surface of this world."

In another letter to his wife he says,—"The man who knows and feels his own foibles, and can draw off from himself so far as to make a proper estimate of his own imperfections, will be hurt by the flattery of others."

About this time Mr. Wirt wrote the British Spy. The book was published anonymously, and was eagerly read throughout the Union. His popularity was well deserved —for as Mr. Kennedy remarks,—"It was written in a polished and elegant style, and the distinctive traits of Virginia society, manners, opinions, and popular institutions, are glanced at with a happy facility of observation."

Who does not remember with pleasure "The Blind

Preacher," an extract from the British Spy, as one of the choicest specimens in his reading-book at school? But this was but an "aside" in the drama of Wirt's life. He devoted himself with great zeal and application to his professional duties, and made himself a firm standing-place among able competitors for the topmost round of the ladder of forensic eminence.

"Forensic life," says Mr. Kennedy, "is, in great part, life in the noon-day, in presence of sharpsighted observers, and not the most indulgent of critics. It has always two sides, whereof one is sentinel upon the other; and a blunder, a slip, or a slovenly neglect of the matter in hand, never escapes without its proper comment. The public opinion of the merits of a lawyer is but the winnowed and sifted judgment of the bar, and is, therefore, made up after severe ordeal, and upon standard proof."

Mr. Wirt had not been long in Norfolk before he wrote to a friend,—"Here I am abreast with the van of the profession in this quarter, with the brightest hopes and prospects—puffed by the newspapers as an orator, to which I have no pretensions, and honored and applauded far beyond my deserts. I have formed, in my imagination, a model of professional greatness which I am far, very far below, but to which I will never cease to aspire. It is to this model that I compare myself, whenever the world applauds, and the comparison humbles me to the

dust. But I must not despair, since it is only by aiming at perfection that a man can attain his highest practicable point."[15]

The correct principles of Wirt revolted against the position in which he found himself, when his talents had made him extensively known as one of the most eloquent advocates in the State.

He writes to Mrs. Wirt: "I look to you as a refuge from care and toil. It is this anticipation only which enables me to sustain the pressure of employments so uncongenial to my spirits—this indiscriminate defence of right and wrong—this zealous advocation of causes at which my soul revolts. But the time will come when I hope it will be unnecessary."

"He began to long," says Mr. Kennedy, "for the privilege of an extensive devotion of his time to that higher range of practice which gives occasion for the employment of the subtlest powers of intellect, in the study and development of the great principles of right."[16]

15 "Law was designed to keep a State in peace;
To punish robbery, that wrong might cease;
To be impregnable, a constant fort,
To which the weak and injured might resort."—*Crabbe.*

16 "We are not sent into this world to do anything into which we cannot put our hearts. We have certain work to do for our bread, and that must be done strenuously; other work to do for our delight, and that is to be done heartily; neither is to be done by halves or shifts, but with a will; and what is not worth this effort, is not to be done at all."—*Ruskin.*

In this sphere of forensic life, as distinguished from that which is properly assigned to the advocate, is only to be achieved that best renown which has followed the names of the greatest lawyers.[17]

The aspirations after a noble name to leave as a rich inheritance, which were frequently expressed by Wirt, will, no doubt, find a ready response in the heart of many a young man, who is now pressing onward in life's career.

"The idea has always been very dismal to me," says Wirt, "of dropping into the grave, like a stone into the water, and letting the waves of Time close over me, so as to leave no trace of the spot on which I fall. For this reason, at a very early period of my youth, I resolved to profit by the words of Sallust, who advises that if a man wishes his memory to live forever on the earth, he must either *write* something worthy of being always read, or *do* something worthy of being written and immortalized by history. Perhaps it is no small degree of vanity to think myself capable of either; but I have always been taught to consider the passion for fame as not only innocent, but laudable, and even noble. I mean that kind of fame which follows virtuous and useful actions."

[17] "The lawyer must be able to reason from the noblest principles of human duty, and must comprehend, at a glance, the mighty maze of human relations."—*Everett.*

Mr. Wirt occasionally expresses regret that his own education had not been more systematic, and his reading less desultory. He mentions one of his cotemporaries, "whose voice had all the softness and melody of the harp, whose mind was at once an orchard and a flower-garden, loaded with the best fruits, and smiling in all the many-colored bloom of spring,—whose delivery, action, style, and manner, were perfectly Ciceronian."

These very attractive qualities Mr. Wirt contrasts with the sterner ones of Marshall's character.

"Here is John Marshall, whose mind seems to be little else than a mountain of barren and stupendous rocks, an inexhaustible quarry, from which he draws his materials, and builds his fabrics, rude and Gothic, but of such strength that neither time nor force can beat them down; a fellow who would not turn off a single step from the right line of his argument, though a Paradise should rise to tempt him; yet who, all dry and rigid as he is, has acquired all the fame, wealth, and honor that a man need desire. There is no theorizing against facts; Marshall's certainly is the true road to solid and lasting reputation in courts of law. The habits of his mind are directly those which an accurate and familiar acquaintance with the mathematics generates."

Mr. Wirt very modestly adds, "I feel so sensibly my own deficiencies in this mathematical study, that, if Heaven spares my son, and enables me to educate him, I

will qualify him to be a professor in it, before he shall know what poetry and rhetoric are. If he turns out to have fancy and imagination, he will *then* be in less danger of being run away with and unhorsed by them. If he be for the bar, I shall never cease to inculcate Marshall's method, being perfectly persuaded that for courts, especially superior and appellative courts (where there are no juries), this is the only true method."

CHAPTER FIFTEENTH.

WILLIAM WIRT'S ADVICE TO A YOUNG LAWYER.

"To work insatiably, requires much less mind, than to work judiciously."

In 1806, Mr. Wirt removed to Richmond. The following excellent advice forms a part of a letter written about this period to a young lawyer, in whom Mr. Wirt felt great interest.

"Endeavor to cultivate that superior grace of manners which distinguishes the gentleman from the crowd around him. In your conversation avoid a rapid and indistinct utterance, and speak deliberately and articulately.

Blend with the natural hilarity of your temper, that dignity of sentiment and demeanor, which alone can prevent the wit and humorist from sinking into a trifler, and can give him an effective attitude in society.

Get a habit, a *passion*, for reading—not flying from book to book with the squeamish caprice of a literary epicure,—but read systematically, closely, and thoughtfully, analyzing every subject as you go along, and laying it up safely and carefully in your memory.

Determine with yourself that no *application* shall be

wanting to lift you to the heights of public notice; and if you find your spirits beginning to flag, think of being buried all your life in obscurity, confounded with the gross and ignorant herd around you. But there are yet more animating and more noble motives for this emulation: the power of doing more extensive good—the pure delight of hearing one's self blessed for benevolent and virtuous actions, and as a still more unequivocal and rapturous proof of gratitude, 'reading that blessing in a *nation's* eyes;' add to this, the communicating the beneficial effects of this fame to our friends and relations; the having it in our power to requite past favors, and to take humble and indigent genius by the hand, and lead it forward to the notice of the world. These are a few, and but a few, of the good effects of improving one's talents to the highest point, by careful and constant study, and aspiring to distinction."

On reviewing his past life, at this period, Mr. Wirt seems to have been forcibly struck with the warning and encouragement which it presented to young men.

"I have, indeed," says he, "great cause of gratitude to Heaven. * * * In reviewing the short course of my life, I can see where I made plunges from which nothing less than a Divine hand could ever have raised me; but I have been raised, and I trust that my feet are now upon a rock. Yet, can I never cease to deplore the years of my youth, that I have murdered in

idleness and folly. What a spur should this reflection be to young men!"

The eloquent author of the Life of William Wirt says: "We have remarked of Wirt, that his life is peculiarly fraught with materials for the edification of youth. Its difficulties and impediments, its temptations and trials, its triumphs over many obstacles, its rewards, both in the self-approving judgment of his own heart, and in the success won by patient labor and well-directed study; and the final consummation of his hopes, in an old age not less adorned by the applause of good men, than by the serene and cheerful temper inspired by a devout Christian faith; all these present a type of human progress worthy of the imitation of the young and the gifted."

But this "progress" is not to be made without constant effort. Wirt in his figurative style thus describes it:

"You will find it pretty much of an Alp-climbing business. The points of the rocks to which you cling will often break in your hands, and give you many a fall and many a bruise; but instead of despairing at the first fall, or the twentieth, remember the prospect from the summit and the rich prizes that await you. Up with a laugh, catch a better hold next time, and try it again."

"The law is to many, at first, and at last, too, a dry and revolting study. It is hard and laborious; it is a dark and intricate labyrinth, through which they grope

in constant uncertainty and perplexity—the most painful of all states of mind. But you cannot imagine that this was the case with Lord Mansfield or with Blackstone, who saw through the whole fabric in full daylight in all its proportions and lustre."

The pleasure with which Wirt entered into a trial of legal strength, after he had "toiled and moiled" in his profession for many years, is thus expressed:

"I have some expectation of going to Washington in February to plead a cause. I shall be opposed to the Attorney-General, and perhaps to PINCKNEY. 'The blood more stirs to wake the lion than to hunt the hare.' I should like to meet them."

To the friend to whom he has so frequently addressed stimulating arguments, Mr. Wirt again writes:

"You must read, sir; you must read and meditate like a Conestoga horse—no disparagement to the horse by the simile. You must read like Jefferson, and speak like Henry. If you ask me how you are to do this, I cannot tell you, but you are nevertheless to do it."

"By the way, there is one thing I had like to have forgotten. One of the most dignified traits in the character of (Patrick) Henry, is the noble decorum with which he debated, and the uniform and marked respect with which he treated his adversaries. I am a little afraid of you in this particular, for you are a wit and a satirist. Take care of this propensity. It will make you enemies, pull

a bee-hive on your head, and cover your forensic path with stings and venom. Let it be universally agreed that you are the most polite, gentlemanly debater at the bar. That, alone, will give you a distinction, and a noble one too; besides, it is a striking index and proper concomitant of first-rate talents.

For two or three years you must read, delve, meditate, study, and make the whole mine of the law your own.

Let me use the privilege of my age and experience to give you a few hints, which, now that you are beginning the practice, you may find not useless.

1. Adopt a system of life, as to business and exercise; and never deviate from it, except so far as you may be occasionally forced from it by imperious and uncontrollable circumstances.

2. Live in your office; that is, be always in it except at the hours of eating and exercise.

3. Answer all letters as soon as they are received; you know not how many heart-aches it may save you. Then fold neatly, and file away neatly, alphabetically, and by the year, all the letters so received. Let your letters of business be short, and keep copies of them.

4. Put every law paper in its place as soon as received, and let no scrap of paper be seen lying for a moment on your writing-chair or tables.

5. Keep regular accounts of every cent of income and

expenditure, and file your receipts neatly, alphabetically, and by the month, or, at least, by the year.

6. Be patient with your foolish clients, and hear all their tedious circumlocution and repetition with calm and kind attention; cross-examine and sift them until you know all the strength and weakness of their cause, and take notes of it at once, whenever you can do so.

7. File your bills in Chancery at the moment of ordering the suit, and while your client is still with you to correct your statement of his case; also, prepare every declaration the moment the suit is ordered, and have it ready to file.

8. Cultivate a simple style of speaking, so as to be able to inject the strongest thought into the weakest capacity. You will never be a good jury lawyer without this faculty.

9. Never attempt to be grand and magnificent before common tribunals,—and the most you will address are common.

10. Keep your Latin and Greek, and science, to yourself, and to the very small circle which they may suit. The mean, envious world will never forgive you your knowledge, if you make it too public. It will require the most unceasing urbanity and habitual gentleness of manners, almost to humility, to make your superior attainments tolerable to your associates.

11. Enter with warmth and kindness into the interesting

concerns of others—not with the consciousness of a superior, but with the tenderness and simplicity of an equal.

12. Be never flurried in speaking, but learn to assume the exterior of composure and collectedness, whatever riot and confusion may be within; speak slowly, firmly, distinctly, and make your periods by proper pauses, and a steady, significant look.

You talk of complimenting your adversaries. Take care of your *manner* of doing this. Let it be humble and sincere, and not as if you thought it was in your power to give them importance by your *fiat*. These maxims are all sound; practice them, and I will warrant your SUCCESS."

CHAPTER SIXTEENTH.

WIRT AND PINCKNEY.

The long-wished-for contest with Pinckney at length took place. He "had broken a lance" with the legal giant, and had not been crushed in the encounter.

"Pinckney was at this time in the zenith of his fame. He was the chief object of interest in the Supreme Court, and the most prominent subject of popular criticism. No man ever drew forth a larger share of mingled applause and censure."

Nothing could be more diverse than the distinctive characters of the eloquence of Pinckney and of Wirt. On this account, it was difficult for the latter at once to appreciate the talents and skill of the former, which he, subsequently, fully acknowledged. Yet one can perceive, from the following extracts from a letter, written by Wirt after this first encounter, that he felt the weight and the point of that "lance" which he had so ardently longed to meet.

"I wish I had been trained to *industry* and *method*," says Wirt, "and whipped out of those lazy and saunter-

ing habits which fastened about me early, and have held the 'fee simple of the bark' ever since. Your truly great man does more business, and has more leisure, and more peace of conscience, and more positive happiness, than any forty of your *mediocre* persons. This is humiliating to me, and I don't like to think of it, *but do you* profit by it.

"I was near him (Pinckney) five or six weeks, and watched him narrowly. He has nothing of the rapid and unerring analysis of Marshall; but he has, in lieu of it, a dogmatizing absoluteness of manner which passes for an evidence of power with the million, which, by-the-by, includes many more than we should at first suspect; and he has acquired with those around him a sort of papal infallibility.

"Socrates confessed that all the knowledge he had been able to acquire seemed only to convince him that he knew nothing. This frankness is one of the most characteristic traits of a great mind. Pinckney would make you believe that he knows everything.

"At the bar he is despotic, and cares as little for his colleagues or adversaries as if they were men of wood. He has certainly much the advantage of any of them in forensic show. Give him time—and he requires not much—and he will deliver a speech which any man might be proud to claim. You will have good materials, very well put together, and clothed in a costume as magnificent as

that of Louis XIV.; but you will have a vast quantity of false fire, besides a vehemence of intonation, for which you see nothing to account in the character of the thought. His arguments, when I heard him, were such as would have occurred to any good mind of the profession."

Wirt evidently felt dissatisfied with himself; indeed, he said, after this first rencontre with his formidable antagonist, "A mean and sneaking figure I made in that cause; I was never more displeased with any speech I have made since I commenced practice."

Mr. Wirt had strong predilections for literature, and, from time to time, indulged his taste in writing. The British Spy, the Old Bachelor, and the Life of Patrick Henry, are all well known to the reading public; but as we are considering him only as the lawyer, it would be irrelevant to mention more particularly his literary success.

"The following letter from the President," says Mr. Kennedy, "contained a summons which, it is said, and, I believe, truly said, was altogether unexpected, as it was certainly unsought by him to whom it was addressed."

JAMES MONROE TO WILLIAM WIRT

("PRIVATE.)

"WASHINGTON, October 29th, 1819.

"DEAR SIR:—

"The vacancy made in the office of Attorney-General of the United States, by the appointment of Mr. Rush

Minister to England, enables me to offer it to your acceptance. Highly respecting your talents, and having long entertained a sincere friendship for you, I need not add that it would be very gratifying to me to find that this proposition accorded with your interest and views. Should this be the case, I hope that it will be convenient to you to join us at an early day, as there are many subjects of great importance requiring early attention.

"A visit to Richmond to attend to your engagements there, after the expiration of a few weeks, would not, I presume, interfere with your duties here.

"I am, dear sir, with sincere regard,

"Yours, JAMES MONROE."

Mr. Wirt accepted this appointment, and continued in the office through the administration of Mr. Monroe and his successor, John Quincy Adams.

The advice, which Wirt reiterates, from time to time, to the young lawyer in whom he took a paternal interest, is invaluable to every aspirant after eminence in the profession.

He says, "Don't be in a hurry to distinguish yourself; and, on the other hand, do not hang back too long. Let the occasion of your first display be good, *and your preparation ripe.*

"On all occasions, private and public, throw the utmost modesty and the most scrupulous delicacy into your man-

ner, and be more disposed to have your scientific knowledge drawn from you than to volunteer a display of it.

"*Read law like a horse.* Pursue it indefatigably, and suffer no butterfly's wings, stones, &c., to draw you aside from it.

"In your arguments at the bar, let argument strongly predominate. Sacrifice your flowers, and let your columns be Doric rather than Composite—the better medium is Ionic.

"Aim at the character of *strength*, *cogency*, comprehension, and imitate, of all things, Judge Marshall's and Locke's simple process of reasoning. The world will ever give sanction to this as the truest criterion of mind."

Mr. Wirt, after having several times encountered him, seems fully to have appreciated his great rival, Pinckney. He says in one of his letters to Mrs. Wirt, "Pinckney commenced his speech to-day, and spoke throughout it. He is really a fine creature in his profession; has a fertile and noble mind."

Again he says: "I expect to go to Baltimore again next month, and to have another grapple with Glendower Pinckney. A debate with Pinckney is exercise and health. I find much pleasure in meeting him. His reputation is so high that there is no disparagement in being foiled by him, and great glory in even dividing the palm."

He also renders the following tribute to the greatness of Chief Justice Marshall:

"Marshall spoke to the judgment merely, and for the simple purpose of convincing. He was justly pronounced one of the first men of the country, was followed by crowds, looked upon and courted with every evidence of admiration and respect for the great powers of his mind. Marshall's maxim seems always to have been, 'aim exclusively at strength,' and, from his eminent success, I say, if I had my life to go over again, I would practice on his maxim with the most rigorous severity until the character of my mind was established."

CHAPTER SEVENTEENTH.

THE CLOSING SCENE.

"He sent his hopes on high—
And reaped the fields of heaven."

After having filled the office of Attorney-General for twelve years, Mr. Wirt resumed unofficial practice at the bar, and this he continued the remainder of his life.

In January, 1834, he repaired to Washington to attend the usual term of the Supreme Court. He was present at the sittings of the court until the 8th of February. On Sunday, the 9th, he attended church at the Capitol, and walked the distance of a mile in the cold, damp air. From that time, "Death approached with a steady pace," and, on the morning of the 18th, the lamented Wirt had departed to the "better land."

The Supreme Court adjourned on hearing the sad news. A meeting of the bar was called, which Daniel Webster addressed as follows:—

"It is announced to us that one of the ablest, one of the most distinguished members of this bar, has departed this mortal life. William Wirt is no more! He has this day closed a professional career, among the longest

and most brilliant which the distinguished members of the profession in the United States have at any time accomplished. Unsullied in everything which regards professional honor and integrity, patient of labor, and rich in those stores of learning which are the reward of patient labor, *and patient labor only;* and if equaled, yet certainly allowed not to be excelled in fervent, animated, and persuasive eloquence, *he has left an example, which those who seek to raise themselves to great heights of professional eminence will, hereafter, carefully study.* Fortunate, indeed, will be the few who shall imitate it successfully!

"As a public man, it is not our peculiar duty to speak of Mr. Wirt here. His character, in that respect, belongs to his country, and to the history of his country. And, sir, if we were to speak of him in his private life and his social relations, all we could possibly say of his urbanity, his kindness, the faithfulness of his friendships, and the warmth of his affections, would hardly seem sufficiently strong and glowing to do him justice in the feeling and judgment of those who, separated now forever from his embraces, can only enshrine his memory in their bleeding hearts. Nor may we, sir, more than allude to that other relation, which belonged to him, and belongs to us all; that high and paramount relation which connects man with his Maker. It may be permitted us, however, to have the pleasure of recording his name as one who felt

a deep sense of religious duty, and who placed all his hopes of the future in the truth and in the doctrines of Christianity.

"But our particular ties to him were the ties of our profession. He was our brother, and he was our friend. With talents powerful enough to excite the strength of the strongest, with a kindness both of heart and manner capable of warming and winning the coldest of his brethren, he has now completed the term of his professional life, and of his earthly existence, in the enjoyment of the high respect and cordial affections of us all."

The biographer of Wirt thus gives the crowning glory to his character:—

"As life advanced, his convictions of the truth and value of the Christian revelation, and of the duties it imposed upon him, became more earnest and profound. He devoted a portion of his time, every day, to the reading of the Scriptures; engaged in a comprehensive study of theology; cultivated habits of prayer and meditation, which he promoted and encouraged throughout his family. In short, the latter years, especially, of Mr. Wirt's life, furnish us the spectacle of a highly-gifted, thoughtful, and accomplished mind, stimulated by a fervent and sincere piety, and employed in the promotion of every good work suggested by enlightened benevolence or Christian duty."

CHAPTER EIGHTEENTH.

GENERAL LEARNING.

"Perhaps the self-approving, haughty world,
Receives advantage from his hours
Of which she little dreams."—*Cowper.*

"Learned, wise, judicious."

Among the many terms which have been bestowed upon the age in which we live, it may not have been called a *sympathizing* age; yet such, in truth, it is. Knowledge being universally diffused, the electric chain of sympathy passes from the hard-handed artisan to the chief justice upon the bench.

A lawyer may no longer confine his studies to the dry, musty tomes of a law-library. He must survey the wide domains of science, in the fruitful gardens of literature he may gather ripe clusters, and in the great human museum he must study and dissect human character.

It is not enough that he be wise and learned in his own profession, but he must commend himself to the minds of other men, and gain their respect, by showing that he is not ignorant of what concerns their dearest

interests. "There are those who look upon this as a difficult, if not an absolutely hopeless matter; but herein they greatly mistake. Let an individual come to consider it as a high, moral duty, that he should be always growing in knowledge, and let him form a distinct and resolute purpose, that the stock of his acquisitions shall be continually enlarging, though it be by the smallest degrees, and it will be a matter of surprise, even to himself, how easily, how delightfully, how effectually, this high resolve is carried into execution. With his faculties always awake, and the avenues for useful information always open, he will discover a thousand opportunities for improvement, which another would allow to escape; he will not disdain the humblest contribution to his knowledge from the humblest man in society; nay, he will take lessons by night and by day, even from the objects of inanimate nature, for here, especially, are open to him some of the sublimest fields of science and philosophy. His profession may be an active and laborious one, insomuch that he is driven to make his nights short and his days long.

"Above all, he takes advantage of a *systematic arrangement of his duties*, and an *economical distribution of his time;* he has his hours for business and his hours for study, and though he is always occupied, he is never in a hurry. It is in vain to say that this representation is merely imaginary, for there are examples, many exam-

ples, both among the dead and the living, to illustrate its practicability."*

The first example we shall give is that of the late lamented HUGH S. LEGARE. The extraordinary powers and varied attainments of the late Attorney-General were the product of early and incessant culture, and of untiring industry and labor. How else could such rare excellence, in so many different departments of human talent and knowledge, have been acquired? for he was *primus inter pares* in all—a finished scholar, a consummate orator, a profound lawyer, an able and accomplished statesman. No felicity of genius, however great, no fecundity of nature, however teeming, could account for such intellectual riches, without the creative energies of constant and unwearied diligence; for it is a truth, as applicable to the philosophy of mind as to the science of political economy, that *labor* is the true and only source of either mental or material wealth. No paltry vanity of natural endowments ever prevented Mr. Legaré from bearing earnest and instructive testimony in his discourse, as he exemplified so strikingly in his practice, to the truth and value of this grand *arcanum* of all sound superiority and success.

Having enjoyed, in early youth, the advantages of a finished education in the best schools of his own country

* William B. Sprague, D.D.

and of Europe, he continued, through all the avocations and active employments of his future life, the same habits of diligent and enthusiastic study by which he established at first a marked pre-eminence among his schoolfellows.

He was smitten with a sympathetic appreciation of the great Roman orator's noble panegyric of letters:—*Hæc studia, etc., delectant domi, non impediunt foris, pernoctant nobiscum, peregrinatur, rusticantur.*

His books were his inseparable companions, whether at home or abroad. They passed the night with him; they traveled with him; they accompanied him in his occasional rural retreats. A jealous economist of time, and particularly attentive to husband those fragments of leisure which irregularly intervene in the routine of daily employment, and which, by most persons, are thrown away as useless, he was more fortunate, even, than the ancient philosopher who reproached himself with the loss of one day in the course of a long life. Legaré never lost an hour; for, however small the interval of time which fell upon his hands unoccupied by the necessary demands of business, or the cherished society of a chosen circle of friends, it was never wasted. A book, a pen, or a train of thought to be resumed, was always at hand to absorb and employ it usefully.

As a scholar, he stood without a rival among the public men of America of his day, and if, even in that class

of learned men who make the cultivation and pursuit of letters the sole business of their lives, he had any superior in scholarship, it would be difficult to say who that superior was. His acquaintance with the great writers of antiquity, the master-minds of Greece and Rome, was intimate, thorough, and familiar—placing at his ready and perfect command all those exquisite models of taste, eloquence, and power, which lie enshrined in their immortal works. In the languages and literature of modern Europe he was perfectly at home. He not only read, but wrote and spoke the languages of France and Germany with the ease and elegance of a native, and was profoundly versed in their history and literature. He had explored, with particular industry and success, the rich mines of learning and historical *discovery* (so to speak), which the acute and recondite researches of modern German writers have opened, and enlarged his own accumulated stores by the superaddition of the fruits of their valuable labors. With all this affluence of intellectual wealth, he made no ostentatious display of his acquisitions. They were assimilated into the solid nutriment of his own mind, and their effect was seen, rather in the enlarged scope and vigor of his conceptions, than in any exhibition of mere learning.

To the question, was he *an eminent lawyer*, Judge Story, in his beautiful and touching address to the law-school at Harvard, while the funeral bells of Boston were

yet tolling the knell of his departed spirit, answered emphatically and unhesitatingly, "*No man was more so.*" And certainly, if a profound acquaintance with the most renowned systems of ancient and modern law, with the common law of England, the civil law of Rome, the codes of France and Germany, added to a familiar knowledge of the laws and constitution of our own country, and a thorough indoctrination in the principles of universal jurisprudence, can make an able and accomplished lawyer, Legaré was such.

One of the great secrets of his superiority was, to place ever before him the highest standards of excellence in every department as the *beau ideal*, at least, which a true and lofty ambition should aim to approximate as near as possible, if not able fully to attain.

His idea of the nobleness and grandeur of the law, in its true dignity, was that which Bolingbroke has so justly and eloquently portrayed, and his impersonations of that idea were the Bacons, the Clarendons, the Somers, the Mansfields of England,—the Marshalls, the Pinckneys of America.[18]

[18] In his letters on the study of history addressed to Lord Cornbury, Bolingbroke, after speaking of the profession of the law as "in its nature the noblest and most beneficial to mankind, in its abuse and debasement, the most sordid and the most pernicious," makes the following remarks, admirable alike for their eloquence and truth:—"There have been lawyers that were orators, philosophers, historians—there have been Bacons and Clarendons, my lord. There will be none such any more, till, in some better age, true ambition, or the love

The narrow and unworthy prejudice against learning, as incompatible with professional eminence, which has been properly rebuked by Judge Story, sometimes ventured to question the claims of Mr. Legaré to the character of an able lawyer, on the very ground of his acknowledged pre-eminence in the attainments of elegant literature. The same Gothic prejudice, we learn from cotemporary memorials, boldly called in question the legal abilities of Lord Mansfield, and was humorously satirized at the time, in some lines of Pope, in which the poet represents two heavy sergeants of the temple, 'who deemed each other oracles of law,' exulting, with a grave self-complacency, in the fancied profoundness of their own legal attainments, while

'Each shook his head at Murray as a wit.'

And yet this Murray rapidly rose, through all the gradations of professional eminence, to the chief justiceship of the King's Bench, in which court he presided with unri-

of fame, prevails over avarice, and till men find leisure and encouragement to prepare themselves for the exercise of this profession by climbing up to *the vantage-ground*,—so my Lord Bacon calls it,—of science; instead of groveling all their lives below, in a mean, but gainful application to all the little arts of chicane. Till this happen, the profession of the law will scarce deserve to be ranked among the *learned* professions; and whenever it happens, one of the *vantage-grounds* to which men must climb is metaphysical, and the other historical knowledge."

valed lustre and ability for thirty-two years, having been thrice offered the great seal of Lord Chancellor; and such was the almost miraculous infallibility displayed by him as a judge, that out of the numerous decisions rendered by him during that long period of time, but two or three of his judgments were ever reversed, and about an equal number of instances occurred in which any of his brethren differed in opinion from him. With such an illustrious example before us, we shall be slow to believe that the superior literary accomplishments of Mr. Legaré were likely to prove a hinderance to him in the path of professional reputation and success, or to prevent him from fulfilling his destiny, in becoming one of the chiefest glories of the American bar."*

Theophilus Parsons, late Chief Justice of the Supreme Court of Massachusetts, was termed *the giant of the law; the living oracle of the law;* and yet he found time during all his legal career to attend to literary and scientific pursuits. His classmate and *chum*, at Harvard University, Judge Tudor, used to say, "Parsons, after the usual college exercises, was in the habit of taking his slate and amusing himself with some deep mathematical calculation, and would vary his recreation by reading some tale or novel, it seeming indifferent to him which of these amusements first fell in his way." Chief Justice

* Hon. William C. Rives.

Parker remarks, "I have within the last seven years of his life found him indulging the same propensity—finding him with his slate and pencil so deeply engaged that I would not disturb him for some minutes after my entrance, and [illegible] unfrequently as deeply engaged in some modern novel or other work of fancy."

While studying law, Parsons kept the grammar-school in Falmouth, now Portland, in Maine, an occupation than which none is more calculated to promote the habit of accurate as well as severe study. The teacher finds that a superficial acquaintance with the knowledge he undertakes to impart will not answer his purpose, and is driven by necessity to the closest attention and investigation of details. At that important period of education, having mastered the usual studies of the college, the mind begins to mature, and the habits of thought and study are first formed which have the most decided influence upon the intellectual character.

But Parsons had even at an earlier period disciplined his mind by close application. The companions of his childhood testify that even that period of life was marked by mental labor and study, and that the season of the greatest temptation to pleasure, youth, was one of persevering acquisition. They say that he seemed to possess the wisdom and experience of those who had been men long before him.

Judge Parker, in an eloquent eulogium upon Chief Jus-

tice Parsons, said, "Those of us who have seen him lay open his vast stores of knowledge in later life, unaided by recent acquirement, and relying more upon memory than research, can account for his greatness only by supposing a patience of labor in youth, which almost exhausted the sources of information, and left him to act, rather than to study, at a period when others are but beginning to acquire."

His familiar and critical knowledge of the Greek and Latin tongues, so well known to the literati of this country, and to some of the most eminent abroad, was the fruit of his early labors, preserved, and perhaps ripened in maturer years, but gathered in the spring-time of life. His philosophical and mathematical knowledge were of the same early harvest, as were also his logical and metaphysical powers. Had he died at the age of twenty-one, I am persuaded that he would have been held up to youth as an instance of astonishing and successful perseverance in the severest employments of the mind."

The following anecdote will prove that Mr. Justice Parsons was known as a Greek scholar abroad :—

"Some years since, Mr. Vanderkemp, formerly of Leyden, received a letter from Mr. Luzac, professor of the Greek language, &c., in the University of Leyden, confessedly the first Greek scholar of his day in Europe, in which letter Mr. Luzac inquired of Mr. Vanderkemp,

whether he had made acquaintance with a Mr. Parsons, of Boston, of whom he had heard that he was called, in America, 'the giant of the law.' How well Mr. Parsons might be entitled to this appellation, Mr. Luzac said he could not judge; but he could of his own knowledge affirm that he was 'a giant in Greek criticism.' Professor Luzac's opinion was founded on a correspondence he held with the Chief Justice, relative to some rare editions of Greek authors which could not be obtained then, either in this country or in England."

As an instance of the persevering application of Parsons, it is mentioned that he resumed the study of Greek after he was forty years old, when his eldest son was fitting for college.

There is in existence a manuscript Greek grammar which he began to write, because there was then no grammar of that language in English; but before his grammar was completed, the Gloucester Greek grammar was published, and he laid it aside.

The celebrated Dr. Bowditch, in his Practical Navigator, when on the subject of lunar observations, mentions a method of correcting the apparent distance of the moon from the sun, and says, "It is an improvement on Witchell's method, and was made in consequence of a suggestion from a gentleman eminently distinguished for his mathematical acquirements." Chief Justice Parsons was the gentleman alluded to. Dr. Bowditch also

received some communications from him on the subject of the comet which at that time made its appearance, which showed ingenuity and scientific learning.[19] His knowledge in astronomy, mechanics, chemistry, and electricity was great.

"Parsons left an immense mass of manuscripts; but none intended for the press. The greater part were on legal subjects; almost as many, however, were mathematical; and there were some on various topics of religion, philosophy, and science. He had been heard to say, that after he had been studying any particular subject, he liked to write upon it, for the purpose of giving clearness and precision to his thoughts.

"He was fond of mechanical employments, and had a large collection of tools, with which he often amused himself, and would leave the gravest study to make a plaything for his boys, or show them how to make one. He entered into all the enjoyments of his children, and increased them by his active sympathy."

"Neither philosophers nor children could leave his society without being improved or entertained. Amid the multifarious occupations of his mind in business and sci-

19 "He had in his library books in Hebrew, French, and Italian, which he occasionally read. Besides a very large and valuable library, he had a collection of astronomical and scientific instruments imported for him by his intimate friend, the late Dr. Prince, of Salem. It was considered the best collection then possessed by any private person, and he made frequent use of it."

entific pursuits, he had still found room for all the lighter literature, and was ready for his critique even upon the ephemeral works of fancy and taste."

"He was accessible, familiar, and communicative, never morose or ill-natured, a patron of literature and literary men, a warm friend to the clergy and to the institutions of religion and learning, and a most ardent admirer and promoter of merit among the young.[20]

"Parsons could leave the theological controversy, the mathematical problem, or the legal inquiry, and enter at once with spirit and interest into domestic conversation, and even into children's sports."

Were all these varied acquirements, and this intense sympathy with his fellow-beings, a hinderance to Parsons in his legal career? Let one of his cotemporaries at the bar answer.

"Never was fame more early or more just, than that of Parsons as a lawyer. At an age when most of the profession are but *beginning* to exhibit their talents and to take a fixed rank at the bar, he was confessedly, in

[20] The zealous attention of the Chief Justice to the interests of Harvard University, while he was a member of the corporation, are generally known. He was also one of the supervisory committee of a grammar school in Boston. He generally took the lead in the examination, and besides his extraordinary knowledge of Greek and Latin, his presence was useful in other respects. He so interested the boys with anecdotes of the men and the times about which they were reading, as to render their examinations pleasant instead of being formidable to them.

point of *profound legal knowledge*, among the first of its professors.

"At that early period of his life, his most formidable rival, and most frequent competitor, was the accomplished lawyer and scholar, the late Judge Lowell, who was considerably his senior, but who entertained the highest respect for the general talents and judicial skill of his able competitor. It was the highest intellectual treat to hear these great men contending for victory in the judicial forum. Lowell, with all the ardor of the most impassioned eloquence, assaulting the hearts of his auditors, and seizing their understandings also, with the most cogent as well as the most plausible arguments; Parsons, cool, steady, and deliberate, occupying every post which was left uncovered, and throwing in his forces wherever the zeal of his adversary had left an opening. Notwithstanding this almost continual forensic warfare, they were warm personal friends, and freely acknowledged each other's merits.

"The other eminent men of that day, with whom Parsons was brought to contend, did full justice to his great powers. I have myself heard the late Governor Sullivan declare that he was the greatest lawyer living."

"That distinguished lawyer and statesman, Rufus King, of New York, having finished his education at our university (Harvard), at an age when he was qualified to choose his own instructor, placed himself under the tui-

tion of Parsons, and probably it was owing in some measure to the wise lessons of the master, as well as to the great talents of the scholar, that the latter acquired a celebrity, during the few years he remained at the bar, seldom attained in so short a professional career."

"Among men eminent themselves, I do not disparage others by placing Parsons at the head," continues his eloquent eulogist: "they were great men, he was a wonderful man. Like the great moralist of England, he might be surrounded by men of genius, literature, and science, and neither he nor they suffer by a comparison."

May the life and celebrity of this great man stimulate the young to diligence and perseverance in their studies, so that at some future time one may rise up among them fit to supply his place in public estimation.*

Mr. Du Ponceau, long a distinguished member of the Philadelphia bar, was a Frenchman by birth, but affording as he does an example of great literary attainments in addition to legal acquirements, a sketch of his life and character will, it is believed, be found both useful and entertaining.

Peter S. Du Ponceau was born in 1760, at the little town of St. Martins, in the Isle of Ré, on the western coast of France. Before the age of six years he had learned by heart a Latin and French vocabulary,—an indication of his

* Chief Justice Parsons died in 1813, at the age of sixty-three.

future taste for languages. At the grammar school which he soon after attended, this fondness for languages was still farther developed. He met one day, at a neighbor's house, with an English grammar. What trifles often decide the future destiny!

"Childlike," says Du Ponceau, "I was delighted with the letters K and W, which my eyes had not been accustomed to see. I took the book home, and began to study the English language. My progress was rapid. There were English and Irish families in the town. I had a good ear and flexible organs, soon spoke English, and became a perfect *Anglomane*. I devoured Milton, Thomson, Young, Pope, Shakspeare. I also wrote English correctly. I have English verses (bad enough, to be sure), but which were addressed to me from Rochelle by a young Englishman, when I was but twelve years of age. I learned a great deal of English poetry by heart, much of which I retain to this day."

In the same manner Du Ponceau acquired the Italian language. His fondness for English studies continued after he entered college; he was never without an English classic in his pocket, and received from his companions the *sobriquet* of *l'Anglais*.

He left college at the early age of fifteen. His father had just deceased, and his mother insisted upon his taking orders in the Romish Church. He had imbibed the principles of the Reformation, and resisted for a long

time, but was ultimately compelled to submit, "took the tonsure, and became *Monsieur l'Abbé*."

The youthful *abbé* was sent by the Bishop of Rochelle to a college in Poîtou as a régent. There he instructed a class in the Latin language. The other régents, who were older men, became jealous of the boy of fifteen. They excited the pupils to pelt him with apples and to annoy him in every possible way, until life became intolerable, and he resolved to quit the place and throw himself upon the wide world. "For the sake of truth," he says, "I must add, that I was also induced to this step by my religious scruples; and, to be perfectly candid, by a restless disposition, and a spirit of adventure, which made me see everything in bright colors before me."

On Christmas day, 1775, leaving all his luggage behind, he sallied forth at daybreak, with the "Paradise Lost" in one pocket and a clean shirt in the other, on his way to the great capital of France. There he arrived in the beginning of January, 1776, with the firm resolution of depending from that moment on his own exertions alone for subsistence, and for whatever fortune might await him.

"Behold me now in Paris," he exclaims, "at the age of fifteen, with a light heart and still lighter purse. But I was full of hope, I had buoyant spirits, and saw everything *couleur de rose!*"

The father of Du Ponceau was a military man, and

two years before this time had solicited the place of Lieutenant-Governor of Versailles, which office he was on the point of obtaining at the time of his death.

At Versailles the young Du Ponceau was well received by his father's acquaintances. The Baron de Montmorency blamed him for leaving the post of instructor, but yet treated him kindly.

Being disappointed in an application for a clerkship in one of the departments, he left Versailles and returned to Paris. Here he made himself independent for the time, by translating English works and commercial letters, and by giving lessons in English and French.

Du Ponceau, in the course of a few months after his return to Paris, became acquainted with Count de Gébelin, a celebrated philologer, who offered to take him as his secretary. This offer was gladly accepted, and with him Du Ponceau remained for six or eight months, at which time he left for America.

The Baron Steuben, who was about to sail for this country, was in want of a secretary who could speak and write the English language; the young Du Ponceau suited him exactly.

They sailed together from Marseilles, and landed at Portsmouth, in New Hampshire, on the 1st of December, 1777.

Baron Steuben and his secretary soon left Portsmouth, and thence went to Boston, where, among other distin-

guished persons, they met John Hancock and Samuel Adams.

Du Ponceau says he was at that time a stern Republican, and had been so from the first moment that he began to reflect. "I shall never forget," he says, "the compliment paid me by Samuel Adams, on his discovering my republican principles."

"Where," said he to me, "did you learn all that?"

"In France," replied I.

"In France! That is impossible!" Then recovering himself, he added, "Well, because a man was born in a stable, it is no reason why he should be a horse." "I thought to myself," adds Mr. Du Ponceau, "that in matters of compliment they ordered these things better in France!"

Baron Steuben proceeded to Yorktown. Congress appointed a committee to confer with him on the subject of his pretensions, and were not a little surprised when he informed them, that all his ambition was to serve as a volunteer in their army. All the favor that he asked was, that MM. Depontière and Du Ponceau should have the rank of captain, which was immediately granted.

Du Ponceau prided himself upon this honor, and it was as a surviving captain of infantry, of the army of the Revolution, that he received a pension until the day of his death.

The privations of the army during the winter spent at

Valley Forge are matters of history. Whilst there, Baron Steuben was appointed a Major-general of the United States army. Du Ponceau was still the secretary of the Baron, and his aid-de-camp.

At the close of the campaign of 1779, they took up their winter-quarters in Philadelphia. Mr. Du Ponceau was there attacked with symptoms of pulmonary disease, and the physicians pronounced it incurable.

"I gave up Æsculapius and his disciples, and determined to be my own physician. I strove, above all things, to keep up my spirits. I wrote satirical verses on the consumption, and determined that it should not consume me."

He rode frequently on horseback, and after a while recovered his health.

On the 25th of July, 1781, Du Ponceau took the requisite oaths, and became a citizen, as he expresses it, "of the great commonwealth of Pennsylvania." "Behold me, then," he adds, "a citizen of the United States, having entered with them into a solemn compact, to which I have faithfully adhered, and which I have never repented."

"Mr. Robert R. Livingston, Chancellor of the State of New York, having been appointed Secretary of Foreign Affairs, Mr. Du Ponceau was strongly recommended to him as an assistant. To this office he was recommended by Governor McKean and Judge Peters."

In Mr. Livingston's office Mr. Du Ponceau continued till the close of the war. He then determined to study law, and for that purpose, entered the office of Mr. William Lewis, of Philadelphia, whom he regarded as, at the time, the most celebrated lawyer in that city.

In 1785, Mr. Du Ponceau was admitted an attorney of the Court of Common Pleas. In the following year he was admitted to full practice in the Supreme Court of the State.

"Mr. Du Ponceau was now busily engaged in the active exercise of an honorable, laborious, and lucrative avocation; but, as he himself said, the life of a lawyer, in the full practice of his profession, offers very little but the dull and dismal round of attendance upon courts, hard studies at night, and, in the day, fatiguing exertions, which, however brilliant, are confined to a narrow theatre, and leave nothing behind but a blaze of reputation and the echo of a name."

"The reports of the different courts show that he was constantly engaged, often in most important suits; and on questions of civil and foreign law, his opinion was justly held in the highest estimation. In the intervals of his arduous occupation, he found leisure to translate several valuable foreign works on law, and to write interesting essays on professional subjects, some of which were published. So high was Mr. Du Ponceau's reputation, at the commencement of the present century, as a learned

jurist, in the Roman and French laws more especially, that the important office of Chief Judge of Louisiana was offered him by President Jefferson, but he declined it."

In 1827, Mr. Du Ponceau was created Doctor of Laws, and was also elected a corresponding member of the French Institute in the Academy of Inscriptions.

In 1835, the prize of *Linguistique* was awarded him for a memoir on the Indian languages of North America. Of the American Philosophical Society, and of the Historical Society of Pennsylvania, he was president at the time of his death. He was also president of the Athenæum.

"Science and literature," says Du Ponceau, "are the glory of a state. The noble acqueducts, temples, roads of the Greeks and Romans, have perished, but their literary fame will last forever. If England were sunken into the ocean, her fame would be perpetuated by the works of her admirable historians, philosophers, and poets."*

"The study of different languages," said he, "has led me into a more impartial view of the character of the different nations of the world, of their virtues, and of their foibles. I love the country of my choice, and have no political attachment to any other."

Such were the sentiments entertained by him from the moment he became a citizen of the country. A more

* Appendix D.

patriotic, American heart never beat in an American bosom.

Mr. Du Ponceau died in 1844, in the eighty-fourth year of his age.

The various societies of which he was an officer deplored the loss they had sustained, as that of one "whose pre-eminent acquirements as a philosopher, and zeal for the promotion of useful knowledge, were equaled only by the integrity of his principles and the practical virtues of his life." The bar of Philadelphia lamented a venerable brother, whose profound learning and varied accomplishments had, for more than fifty years, distinguished him, and shed lustre on the profession.

CHAPTER NINETEENTH.

RELIGIOUS PRINCIPLES.

CHIEF JUSTICE TILGHMAN AND CHARLES CHAUNCEY, ESQ.

"Cast thine eye upon the sages of the law that have been before thee, and never shalt thou find any one that hath excelled in the knowledge of these laws, but hath drawn from that divine knowledge gravity and integrity."—*Lord Coke.*

THE trite, hackneyed jokes about the dishonesty of lawyers, as a class, have been again and again refuted by the lives of some of the most eminent men in the profession. Many such burning and shining lights might be held up for the guidance and encouragement of the young man who deems the profession one which casts insurmountable obstacles in the paths of integrity and piety. Unless the highest aim of mortal existence, preparation for a future state, were attainable by the lawyer, his success would not be considered complete. Examples have already been given of men who based their morality upon deeply-fixed religious principles; we shall add to these but two others, namely, the late Chief Justice Tilghman and the late Charles Chauncey, Esq., both of Philadelphia.

The character of the chief justice was drawn by the Hon. Horace Binney. His moral qualities were of the highest order. It has been said, that the panegyrists of great men can rarely direct the eye with safety to their early years, for fear of lighting upon the traces of some irregular passion. But to Justice Tilghman may with justice be applied the praise of the Chancellor D'Aguesseau, that he was never known to take a step out of the narrow path of wisdom, and that it was sometimes remarked, if he had been young, it was for the purpose, not of palliating a defect, but of doing greater honor to his virtues. Of his early life, few of his cotemporaries remain to speak; but those few attest what the harmony of his whole character in later years would infer, that his youth gave presage, by its sobriety and exemplary rectitude, of all that we witnessed and admired in the maturity of his character.*

It is great praise to say of so excellent a judge, that there was no contrariety between his judgments and his life; that there was a perfect consent between his public and his private manners; that he was an engaging example of all he taught; and that no reproach, which, in his multifarious employment, he was compelled to utter against all the forms of injustice, public and private, so-

* "One of those who need not the smart of guilt to make them virtuous, nor t e regret of folly to make them wise."

cial and domestic, against all violations of law, from crime down to those irregularities at which, from general infirmity, there is a general connivance, in no instance did the sting of his reproach wound his own bosom. Yet it was in his life only, and not in his pretensions, that you discerned this, his fortunate superiority to others. In his private walks he was the most unpretending of men. He bore constantly about him those characteristics of true greatness, simplicity and modesty.

The temper of the chief justice was singularly placable and benevolent. It was not in his power to remember an injury. A few days before his death he said to two of his friends, attendant upon that scene, "I am at peace with all the world. I bear no ill-will to any human being, and there is no person in existence to whom I would not do good and render a service, if it were in my power. No man can be happy who does not forgive injuries which he may have received from his fellow-creatures." How suitable was this noble conclusion to his whole life! What a grace did this spirit impart to his own supplications! This was not a counterfeit virtue, assumed when the power to retaliate was wasted by disease. It was not the mere overflow of a kindly nature, unschooled by that divine science which teaches benevolence as a duty. In his own eulogium upon his eminent friend, Dr. Wistar, he says:—"Vain is the splendor of genius without the virtues of the heart. No man who is not *good* deserves

the name of *wise*. In the language of Scripture, folly and wickedness are the same; not only because vicious habits do really corrupt and darken the understanding, but because it is no small degree of folly to be ignorant, that the chief good of man is to know the will of his Creator, and to do it."

It was under the influence of this sentiment that his fortune became a refuge to the unfortunate, far more than his unostentatious manners imported. He was gentle, compassionate, charitable in many of the senses which make charity the first of virtues; and long after his leaves and branches were all torn away, there was more than one that reposed in the shade of his venerable trunk. His closing years finely illustrated the remark, that the heart of a good man is like a good soil which is made more fertile by the ploughshare that tears it and lays it open,—or like those plants which give out their best odors when they are broken and crushed.

An interesting record which the venerable Judge Tilghman left behind him, acquaints us with many of his most private thoughts, and presents him in a relation which no man can renounce, and which, when duly observed, is the appropriate light wherein to behold an eminent judge—the relation of man to his Creator.

His birth-day, the 12th of August, was habitually appropriated to the review of the past year, to self-examination, and to intercourse with God; and it will not be deemed

irreverent to cast an affectionate eye upon this record, and to draw encouragement and counsel from the touching disclosure it makes of his fortitude, resignation, and piety.

When he completed his forty-eighth year he says :— "My health is good, my constitution unimpaired, but I am deeply impressed with the uncertainty of life. Let me prepare to follow the numerous friends who have left the world before me. The last stage of my residence on earth is approaching. Time is precious. I must not suffer it to be wasted in indolence, or thrown away on light amusements. I have endeavored during the course of this day to strengthen my mind with virtuous resolutions, and I hope my endeavors have not been useless." He then repeats the resolutions he had formed for the government of his life, among which is that of "letting no day pass without prostrating himself before the Supreme Being, in meditation, thanksgiving, and prayer;" and he concludes his memorial by offering, as he expresses it, "with a grateful heart, his unworthy thanks to the Almighty and merciful God, for past favors far exceeding his merits, and imploring, with all humility, that He would graciously assist his weak endeavors to keep the resolutions he had made."

But sore afflictions afterward came upon Judge Tilghman, and his eloquent eulogist says, "Mark with what a celestial temper, if I may so speak, he records the flight of all these blessings."

"I have now attained the age of sixty-one, and have survived parents, brothers, sisters, wife, and child. But few of my dearest connections remain in the world. May this reflection induce me so to use the short remainder of my life as may recommend me to Thy favor, and procure me the happiness of once more meeting my departed friends, according to my confident hope."

"Observe how the light of the divine philosophy shone inward, and dispelled the gloom in which unassisted man would have sunk to despair."

"Great God, during the last year thou hast thrown me on the bed of sickness, and raised me up from it. Thou hast taken from me my last earthly hope. I submit to thy providence, and pray that thou wilt grant me fortitude under all my afflictions. I am sure that whatever is ordained by thee is right. May I never forget that thou art always present, the witness and judge of my actions and thoughts. My life is hastening to an end. May I, by thy gracious assistance, so employ the remainder of it as not to be altogether unworthy of thy favor."

On the last anniversary that he ever saw, he begins his paper with the prophetic declaration,—"This day completes my seventieth year, the period which is said to bound the life of man. My constitution is impaired, but I cannot sufficiently thank God that my intellect is sound, that I am afflicted with no painful disease, and

that sufficient health remains to make life comfortable. I pray for the grace of the Almighty to enable me to walk, during the short remnant of life, in His ways. Without His aid I am sensible that my efforts are unavailing. May I submit with gratitude to all His dispensations, never forget that he is the witness of my actions, and even of my thoughts, and endeavor to love, honor, and obey Him with all my heart, soul, and strength."

"It is no longer wonderful that this venerated man performed his duties to universal acceptance, when we discern the spirit, better far than the genius of Socrates, from which he asked counsel. The ancients would have said of him, that he lived in the presence of all the deities, since prudence was never absent from him. The holders of a better faith must say, that it was no poetical deity, nor to the counsels of his own mind, but to that 'grace' which his supplications invoked that he owed his protection from most of the lapses to which fallible man is subject."

"His course does not exhibit the magnificent variety of the ocean, sometimes uplifted to the skies, at others retiring into its darkest caves,—at one moment gay with the ensigns of power and wealth, and at another strewing its shores with the melancholy fragments of shipwreck; but it is the equal current of a majestic river, which safely bears upon its bosom the riches of the land, and reads its

history in the smiling cities and villages, that are reflected from its unvarying surface."

On Monday, the 30th of April, 1827, he closed his eyes forever. It will be long, very long, before we shall open ours upon a wiser judge, a sounder lawyer, a riper scholar, a purer man, or a truer gentleman.

CHARLES CHAUNCEY.

One of the most beautiful and striking delineations of character which could be offered for the study of young men, is one recently drawn by an able divine,* of that eminent lawyer, the late Charles Chauncey, of Philadelphia.

Mr. Chauncey was a native of New Haven, Connecticut, and a graduate of Yale College. His father was a Judge of the Supreme Court of that State.

Soon after Mr. Chauncey had completed his course of preparatory study, and had been admitted to the bar, he removed to Philadelphia, where he passed the remainder of his eminently useful life.

"The incorruptible virtue, the radiant example, the untarnished fame of Charles Chauncey, have become part of the moral treasure of his country. I leave it for others to sketch his intellectual attributes and his legal

* Rev. Henry A. Boardman, D.D.

acquirements; my office is to speak of him, and that briefly, as a *Christian*.

The prime quality in Mr. Chauncey's character was *integrity*. This is as much associated with his name, wherever he was known, as justice is with that of Aristides. It is impossible to speak of him without thinking of it, as it was impossible to converse with him without feeling that you had to do with a man of inflexible probity. If there are men who are honest from policy or interest,—who are honest in great matters, but lax in small matters—whose perceptions of right and wrong are quick and accurate on questions affecting other people's affairs—he was not one of them. He was upright on principle and from preference. The love of truth and right was part of his being. He carried it into every relation and circumstance of life. It controlled his most trivial pecuniary transactions; it presided over every scene of social enjoyment, even those in which he gave full play to his refined and ardent affections; it breathed through every sentence he uttered at the bar, whether in one of those luminous and eloquent arguments with which he often captivated the court and jury, or in those incidental passages between opposing counsel—the by-play of a trial—in which truthful men sometimes exceed the limits of sober verity. His clients knew that the advice he gave them was given in all sincerity, and was designed for their good, however counter it might be

to their wishes. The bench and the jury knew they were listening to a man who was a stranger to deception and finesse—a man who, though liable, like all other men, to err, could not act a part—who, when he spoke, uttered his real convictions, and believed what he was trying to make them believe.

There have been lawyers whose profession has been as distinct from their personal character as the wig and gown of an English barrister from the barrister himself; and courts and juries have instinctively, when they rose to speak, recognized their two-fold nature. But they never mistook Mr. Chauncey for one of this hybrid race. In him the union between the advocate and the man was not, as in the other case, a mere mechanical conjunction, like that which held together the different parts of Nebuchadnezzar's image, but a chemical combination—an intermixture of the one with the elements of the other.* His speeches, therefore, carried with them all the weight of personal conviction—and that, in the case of a man so eminent as well for his ability and his wisdom as for his integrity, was often more than half the battle.

It were well for the younger men in the profession to consider the great value of such a reputation for integrity, simply as a means of success. They may gain an occasional triumph by deviating from the line of strict recti-

* "The wise man does good just as he breathes,—it is his life."—*Chinese Maxim.*

tude, and the prospect of winning an important cause may seduce them into the use of unfair weapons; but a few victories achieved in this way will ruin, or at least seriously injure them. To a young lawyer CHARACTER is everything. It is character, not learning, not astuteness, not eloquence, which is *the basis of confidence;* and "confidence," especially the confidence of clients, and judges and juries, is "a plant of slow growth." It is a sensitive plant, too; its leaves will begin to curl and wither with the first rude breath of deceit and equivocation. The youthful advocate, flushed with an ill-gotten triumph, little divines what an impression he has made on that stern jurist on the bench, and even upon those emulous associates who throng around him with their congratulations. They may well congratulate a rival whose ovation, like those the Venetians used to accord to their heroes, is the pledge of his early downfall. Let those who stand on the threshold of this noble profession learn from the example of that eminent man, whose loss we now deplore, that virtue is the highest wisdom—that virtue, especially, which has God for its author and end, the word of God for its rule of duty, and the love of God for its animating principle. In this divine endowment, they may see one of the chief implements of his success. He has vindicated the profession from the vulgar cavil that no strictly honest man can be a lawyer, and shown that the bar forms no exception to the rule, that the path

of virtue is the path of honor. In some pregnant crisis of your history, when temptation proffers you its golden fruit,

"Fair to the eye, inviting to the taste,"

and you are just saying to yourselves,

"——What hinders, then,
To reach, and feed at once both body and mind?"

it may recover you from your perilous position to recall the name of one who maintained an unspotted reputation amidst the conflicts and enticements of the bar for upward of fifty years, and whose pure fame is unsullied by a single mean or dishonorable action.

Mr. Chauncey was no less distinguished for his *benevolence* than for his integrity. I do not allude in this remark merely to the charity which goes out in alms-giving, or in contributions to ecclesiastical and religious objects. This, when prompted by right motives, is a charity of high esteem in the sight of God; indeed, our Saviour teaches us that if we are destitute of it, we may scarcely presume to think we are Christians. But the benevolence of Mr. Chauncey included a great deal more than this. He was essentially an unselfish man. He had a heart as well as a head. And his heart was large enough to take in some others, besides his own family and immediate friends. He was always ready to employ his great powers for the relief of the poor, the injured,

the helpless; to extend to them "the charity of time, labor, and attention; the protection of those whose resources are feeble, and the information of those whose knowledge is small." This was so well understood, that there was probably no man in this community who was so much resorted to for counsel. He was so wise, so candid, so kind, and entered so readily into the circumstances and feelings of his clients, that people of all descriptions sought his advice on all sorts of subjects.

Distinguished counselors, young lawyers, and possibly grave judges, with their vexed questions, capitalists seeking investments, embarrassed merchants, guardians perplexed to know what to do with their wards, parents to consult him about their children, widows anxious to secure their little property, together with suitors of various kinds, —such were the groups that not unfrequently met at his levees. And they went there because they knew they could confide to him domestic matters which they could scarcely breathe in the ear of another human being; and that, when they had stated their case to him, he would give them judicious advice, made doubly acceptable by the manner in which it was given. He might without presumption have appropriated the language of Job: "When the ear heard me, then it blessed me; and when the eye saw me, it gave witness to me. Because I delivered the poor that cried, and the fatherless, and him that had none to help him. The blessing of him that was ready

to perish came upon me, and I caused the widow's heart to sing for joy. I put on righteousness, and it clothed me; my judgment was as a robe and a diadem. I was eyes to the blind, and feet was I to the lame. I was a father to the poor; and the cause which I knew not I searched out. And I brake the jaws of the wicked, and I plucked the spoil out of his teeth." Among all the monumental memorials which grace our cemeteries, there is not one which might with more propriety receive these words as its epitaph, than the tomb of Charles Chauncey.

Mr. Chauncey's manners partook of the kindness of his nature. To him might be appropriated the beautiful sketch Mr. Addison has drawn of a great light* of the English law. "His life was in every part of it set off with that graceful modesty and reserve which made his virtues more beautiful, the more they were cast in such agreeable shades. His great humanity appeared in the minutest circumstances of his conversation. You found it in the benevolence of his aspect, the complacency of his behavior, and the tone of his voice. His great application to the severer studies of the law had not infected his temper with anything positive or litigious; he did not know what it was to wrangle on indifferent points, to triumph in the superiority of his understanding, or to be supercilious on the side of truth. He joined the greatest delicacy of good breeding to the greatest strength of reason.

* Lord Somers.

By approving the sentiments of a person with whom he conversed, in such particulars as were just, he won him over from those points in which he was mistaken; and had so agreeable a way of conveying knowledge, that whoever conferred with him grew the wiser, without perceiving that he had been instructed. His principles were founded in reason and supported by virtue, and therefore did not lie at the mercy of ambition, avarice, or resentment."

Mr. Chauncey abstained from taking an active part in politics; and with a single exception, that of his consenting to sit as a member of the Convention for revising the constitution of the State, he uniformly declined public office. It would certainly be unfortunate for the country if all our ablest lawyers should adopt the same line of conduct. But the example may suggest a wholesome lesson to the junior portion of the bar. No man can expect to become an eminent lawyer who does not, for at least a score of years or more, confine himself rigidly to his profession. The temptation to embark in politics is very great, especially under a government like ours; and it has proved fatal to the hopes of many a young lawyer of brilliant talents. The rewards of jurisprudence, like the choicest crystals of the Alps, are too remote and too difficult of access, to be secured by any precarious and inconstant exertions. The path which leads to them is narrow and rugged, obstructed with rocks and exposed to

avalanches ; and he who suffers himself to be intimidated by dangers, or diverted into by-paths in quest of flowers, must make up his mind to relinquish the jewels to his competitors.

Mr. Chauncey's respect for the Sabbath was one of the influences which contributed to mould as well his intellectual and social, as his elevated moral character.

The example is instructive. There is no need of assuming—it would be discourteous and unjust to assume, that the bar stands in special need of admonition on this subject. Could the truth, however, be revealed, it might be found that no inconsiderable portion of our able and rising lawyers were more or less in the habit of appropriating a part of the Sabbath to the study and arrangement of their cases. They forget that there is a law in existence paramount to all earthly legislation ; nor are they struck with the incongruity of preparing themselves to expound and enforce human statutes, by treading under foot the law of God. The pernicious consequences which flow from this practice are manifold. It weakens the moral sense. No man can habitually or frequently set at naught a divine ordinance, without blunting his conscience and impairing his reverence for the authority of God.

It removes a man from all the wholesome influences of the sanctuary.

If any confidence is to be placed in the opinion of eminent physiologists, the Sabbath, even though a positive institute, has its foundation in the nature of man. It is no arbitrary decree, but an ordinance indispensable to the proper culture and development of his physical and mental powers, and to his social happiness. The tendency of an uninterrupted devotion to earthly pursuits is to debase the character, and to induce premature exhaustion and decay. The Sabbath comes to us as an angel of mercy, to withdraw us, at stated intervals, from the secularities with which we are engrossed—to recruit our wearied frames—to let in upon our souls and upon our concerns the light of eternity—to revive our fading impressions of spiritual objects—to bring us into communion with the Father of our spirits—and to remind us of what we are so prone to forget, that

> "'Tis not the whole of life to live,
> Nor all of death to die."

There are doubtless exceptions, but it will generally be found that lawyers who devote the whole seven days to business, pay the penalty of their error, either in a loss of health, or in falling a prey to vicious indulgences. The overtasked constitution gives way under a load it was never designed to bear. Physical debility is followed by mental depression. The nervous system ac-

quires a morbid sensitiveness, and men of a serene and amiable temper and bland address, become irritable, harsh, and repulsive. Not unfrequently, stimulating drinks are invoked to inspire the strength demanded by urgent professional duties, and by degrees, the occasional expedient becomes a daily necessity, and the victim hastens with accelerated pace to a dishonored grave. In other instances, the nerves become more and more disordered, until reason is dethroned; and the once gifted advocate only lives to excite the pity of the bar he adorned, or awakens their profounder sorrow by his suicidal death. The wrecks are scattered all along the shore you are coasting, and even those who have just cleared the port and set their sails to the breeze, may deem themselves happy if they have not come in sight of them.

The testimony of Lord Chief Justice Hale on this point has frequently been quoted. "I have found, by a strict and diligent observation, that a due observance of the duty of this day, hath ever had joined to it a blessing upon the rest of my time; and the week that hath been so begun hath been blessed and prosperous to me; and, on the other side, when I have been negligent of the duties of this day, the rest of the week has been unsuccessful and unhappy to my own secular employments; so that I could easily make an estimate of my successes in my own secular employments the week following, by the

manner of my passing this day; and this I do not write lightly or inconsiderately, but upon a long and sound observation and experience."

It has been implied in every line of this sketch, that Mr. Chauncey was a sincere and decided Christian. He not only received the Bible as a Divine Revelation, but embraced its doctrines with a cordial faith, and made its precepts the rule of his conduct.

This great and good man has gone to his reward.* Full of years and full of honors, in the maturity of all his powers, and without any exhibition of human infirmity, he has been gathered to his fathers. Life's work was done, and well done; and we cannot doubt that he has received that crown of righteousness which the Lord, the righteous Judge, will give to all them that love his appearing.

It is the prerogative of *Religion* to make and keep men pure, and to confer that refinement of feeling for which good-breeding can only substitute a graceful address—in other words, to make men what good-breeding requires them to appear to be. The morality which is divorced from godliness, however specious and captivating to the eye, is superficial and deceptive. The morality you require, "the only morality, (in the language of an eminent compeer of the venerated Chauncey,†) the

* Mr. Chauncey died in September, 1849.

† Hon. John Sargent.

only morality that is clear in its source, pure in its precepts, and efficacious in its principles, is the morality of the Gospel. All else at last is but idolatry—the worship of something of man's own creation, and that thrice imperfect and feeble like himself, and wholly insufficient to give him support and strength."

NOTES.

A.

COMMONPLACE-BOOKS.

"In reading authors, when you find
Bright passages that strike your mind,
And which, perhaps, you may have reason
To think on at another season,
Be not contented with the sight,
But take them down in black and white.
Such a respect is wisely shown,
As makes another's thoughts our own."

President Dwight's advice to students was, "Always carry with you, wherever you go, a commonplace-book in your pockets, and note down on the spot what you wish to retain. 'That only is knowledge which is exact.'"

Dr. Johnson remarks, that "a man who views an object closely and minutely and leaves it two or three hours or longer, and then returns, will be surprised to find how much the remembrance of the parts have faded from his mind. The great leading features may be retained, but the minute discriminating points are soon lost. You will, by having a commonplace-book always

at hand, be able to get together a vast number of facts. You may think that it will be only once in a great while that you will meet with anything worth putting down; but you are mistaken—in almost every place, if you are observing, you will find much that will be important. It is from *laziness* (man is naturally lazy), rather than from want of capacity, that men are deficient in useful knowledge.

Sagacity of mind depends almost wholly upon industry united with attention. Very few of our race attend to what is passing before them. This is a rare, very rare quality in the best disposed and most contemplative minds.

A small note-book for the pocket, and Todd's 'Index Rerum,' or Gould's 'Universal Index,' for the commonplace-book, will facilitate this mode of storing up knowledge for future use.

A commonplace-book, without methodical arrangement, would be just about as convenient as a large house without partition walls to separate it into apartments."

"While Sir Matthew Hale was improving himself in the study of the law," says Bishop Burnet, "he not only kept the hours of the hall constantly in term-time, but seldom put himself out of commons in vacation-time; and continued, then, to follow his studies with unwearied diligence; and not being satisfied with the books writ about it, or to take things upon trust, was very diligent in

searching all records. Then did he make divers collections out of the books he had read, and, mixing them with his own observations, digested them into a commonplace-book, which he did with so much industry and judgment that an eminent judge of the King's Bench borrowed it of him when he was Lord Chief Baron. He unwillingly lent it, because *it had been written by him before he was called to the bar*, and had never been thoroughly revised by him since that time; only what alterations had been made in the law, by subsequent statutes and judgments, were added by him as they had happened; but the judge, having perused it, said that, 'though it was composed by him so early, he did not think any lawyer in England could do it better.'"

B.

"His whole life (Sir Matthew Hale) was nothing else but a continual course of labor and industry.

"He looked on readiness in *arithmetic* as a thing which might be useful to him in his own employment, and acquired it to such a degree that he would often, on a sudden, resolve very hard questions, which had puzzled the best accountants about town.

"He studied *algebra*, and went through all the other mechanical sciences.

"He was also very conversant in *philosophical learning*, and in all the various experiments and rare discoveries of this age, and had the new books written on these subjects sent him from all parts, which he both read and examined critically. Indeed, it will seem scarcely credible that a man so much employed, and of so severe a temper of mind, could find leisure to read, observe, and write so much of these subjects as he did. He called them his diversions; for he often said, when he was weary with the study of the law, or divinity, he used to recreate himself with philosophy or the mathematics.

"To these he added great skill in physic, anatomy, and chirurgery. And he used to say, no man could be absolutely a master in any profession, without having some skill in other sciences.

"To this he added great researches into *ancient history*.

"Above all, he seemed to have made the study of divinity the chief of all others.

"It seems extravagant, and almost incredible, that one man, in no great compass of years, should have acquired such a variety of knowledge; but as his parts were quick and his apprehensions lively, his memory great and his judgment strong, so his *industry was almost indefatigable*. He rose always betimes in the morning, *was never idle*, scarcely ever held any discourse about news, except with some few in whom he confided entirely. He spent

very little time in eating and drinking, and lived so philosophically that he always ended his meal with an appetite. By these means he gained much time that is otherwise unprofitably wasted."

THE END

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